RECORDS

VOL. 57

METROPOLITAN
DISTRICT
COMMISSION

MARCH 10, 1994
TO
SEPT. 15, 1994

Record of the Three Thousand Six Hundred and Eighty First (3681st) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, March 10, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr and Elkort.

The Records of the Commission Meeting held on February 10, 1994 were read and approved.
Associate Commissioner Elkort noting that she was not at the Commission Meeting of February 10, 1994, abstained from voting on this matter.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Soroka, February 7, recommending approval of a revision in quantities on the following item on Contract No. P92-1634-M1A, with New England Traffic Signal Co., Inc., for Servicing Traffic Signal and Control Systems, Charles River Basin Districts -
Item No. 002-010 **$2,000.00**
Material, Components, Parts and Controls
(Cost will be offset by unused quantities in Item No. 003-020 - Traffic Signal Knockdown Repair)
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Soroka in their report of February 7, 1994.

2. Report of Messrs. Faucher and Jackson, February 2, recommending the following on Contract No. P92-1628-C2B, with J. J. Phelan & Son Co., Inc., for 1993 Parkway Landscape Improvements -
(a) That work be accepted as completed as of November 30, 1993.
(b) That Estimate No. 6F (Final), in the amount of $48,286.51, be approved for payment.
(c) That reserve, in the amount of $26,816.04, be approved payment.
(Basis of Award - $495,770.00)
(Total to Date - $536,320.90)
(Contract Administration Rating - 4.50)
(EEO Compliance - 3.25)
The Commission V O T E D: that the work of J. J. Phelan & Son Co., Inc., Contractor under Contract No. P92-1628-C2B, for 1993 Parkway Landscape Improvements, be and hereby is accepted as completed as of November 30, 1993.
The Commission further V O T E D: to approve Estimate No. 6F (Final), in the amount of $48,268.51, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $26,816.04, for payment.

3. Report of Mr. Jackson, February 15, submitting for approval Project Summary, Work Schedule and Project Justification and requesting permission to advertise Project No. P89-1561-C6A, 1994 Cherry Tree Planting.
Estimated Cost $30,000.00.
Funds are available in Account No. 2448-0000.

The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to Advertise.

1. Report of Messrs. Faucher and McCalla, March 2, requesting that the Commission amend its vote of January 20, 1994, accepting the low bid of Penachio Brothers Electrical Corp., in the amount of $581,428.85, on Contract No. P94-1706-M1A, for Maintenance of Street Lighting Systems on Parkways and Roadways of the Metropolitan District Commission (A Two Year Maintenance Contract), by deleting Account No. 2440-0010 and substituting Account No. 2444-9001 as the source of funding.
The Commission V O T E D: to amend its vote of January 20, 1994, accepting the low bid of Penachio Brothers Electrical Corp., in the amount of $581,428.85, on Contract No. P94-1706-M1A, for Maintenance of Street Lighting Systems on Parkways and Roadways of the Metropolitan District Commission (A Two Year Maintenance Contract), by deleting Account No. 2440-0010 and substituting Account No. 2444-9001 as the source of funding.

2. Report of Messrs. Faucher and Abounaja, February 23, requesting that the Commission amend its vote of February 10, 1994, approving the revision in quantity on Item No. 012-010, in the amount of $19,693.70, on Contract No. P90-1574-C3A, for Replacement, Including Disposal of Existing Gasoline and Diesel Fuel and Appurtenances at Various M.D.C. Locations, with Zenone, Inc., by deleting Account No. 2490-8881 and substituting Account No. 2490-8915 as the source of funding.
The Commission V O T E D: to amend its vote of February 10, 1994, approving the revision in quantity on Item No. 012-010, in the amount of $19,693.70, on Contract No. P90-1574-C3A, for Replacement, Including Disposal of Existing Gasoline and Diesel Fuel and Appurtenances at Various M.D.C. Locations, with Zenone, Inc., by deleting Account No. 2490-8881 and substituting Account No. 2490-8915 as the source of funding.

3. Report of Messrs. Faucher and Abounaja, February 1, recommending approval of revisions in quantities on the following items on Contract No. P90-1574-C3A, with Zenone, Inc., for Replacement, Including Disposal of Existing Gasoline, Diesel Fuel Tanks and Appurtenances at Various MDC Locations -

Item No. 012-010 (Alternate #1)	**$11,285.30**
Excavation and Lawful Disposal of Soils that are determined to be contaminated with petroleum products.	
Item No. 018-010 (Alternate #2)	**$ 292.50**
Transfer uncontaminated tank contents "fuel" to a different location.	
Total Cost of Revisions -	**$11,577.80**

(Funds are available in Account No. 2490-8915).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Abounaja in their report of February 1, 1994.

4. Report of Messrs. Faucher and Machado, March 4, recommending approval of an extension of time from April 27, 1994 to August 27, 1994, on Contract No. P92-1653-C1A, with USX Corporation

(Cyclone Fence Company), for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the M.D.C., due to delay caused by severe winter weather conditions.
At no additional cost to the Commission.
The Commission V O T E D: to approve an extension of time from April 27, 1994 to August 27, 1994, as recommended by Messrs. Faucher and Machado in their report of March 4, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher, Brooks and DeLuca, March 7, submitting for approval Project Summary, Work Schedule and Project Justification and requesting permission to advertise Project No. P94-1722-M1A, Service and Repairs to all MDC Swimming Pools and Service Buildings Within the Metro Parks System.
Estimated cost $300,000.00.
Account No. 2440-0010-NN.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher, Brooks and DeLuca, March 7, submitting for approval Project Summary, Work Schedule and Project Justification and requesting permission to advertise Project No. P94-1723-C1A, for Critical Repairs to MDC Swimming Pools and Service Buildings.
Estimated cost $530,000.00.
Account No. 2440-7893 - $250,000.00.
Account No. 2440-8887 - $ 50,000.00.
Account No. 2440-8798 - $230,000.00.
Associate Commissioner Elkort asked if the pools would be open on schedule. Mr. Brooks responded that they would be.
Associate Commissioner Carr asked what the difference was between Project No. P94-1722-M1A, for Service and Repairs to all MDC Swimming Pools and Service Buildings Within the Metro Parks System and Project No. P94-1723-C1A, for Critical Repairs to MDC Swimming Pools and Service Buildings.
Mr. Brooks replied that Project No. P94-1722-M1A, for Service and Repairs to all MDC Swimming Pools and Service Buildings Within the Metro Parks System, is for the opening, general maintenance and closing of the swimming pools, while Project No. P94-1723-C1A, for Critical Repairs to MDC Swimming Pools and Service Buildings, is for capital repair work that is not considered routine maintenance.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Hearing before the Prequalification Appeal Board:

3. Request of New England Traffic Signals, Inc., appealing the denial of the renewal of its prequalification by the Commission's Prequalification Committee.
The Commission V O T E D: Held Over to March 31, 1994.

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Action was taken upon the following Various Matters:

1. Report of Mr. Hedlund, February 25, submitting for approval Requests for Proposals for Operation and Management Services for Nineteen (19) MDC Skating Rinks and requesting permission to advertise their availability for bid.
The Commission V O T E D: Delete from Agenda.

2. Report of Mr. Jewett, March 7, on Contract-Agreement with Alpha Land Surveying and Engineering Associates, for Land Survey Services at the former Metropolitan State Hospital, requesting approval of an extension of time from September 15, 1993 to June 30, 1994, and an increase in compensation of $4,615.00, from $21,940.00 to $26,555.00, due to increase in scope of services including recordable plans.
Mr. Jewett further requests authorization for Commissioner Bhatti to execute the Amendment on behalf of the Commission.
Funds are available in Account No. 2441-9886.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Amendment on behalf of the Commission.

3. Report of Mr. Jewett, March 3, recommending approval and award of the following nine Contracts for Park Land Acquisition Program FY'94 Professional Real Estate Appraisal Services and further requesting authorization for Commissioner Bhatti to execute the Contracts on behalf of the Commission -

		VALUE	PARCELS
1.	Winthrop Real Estate Advisors	$65,275.00	14
2.	Reynolds Company	$71,850.00	11
3.	Leo M. Flynn	$52,575.00	12
4.	Peter S. Emerson & Assoc.	$64,360.00	11
5.	R. M. Bradley & Co., Inc.	$22,300.00	3
6.	Hunneman Appraisal & Consulting Co.	$25,000.00	10
7.	Meredith & Grew, Inc.	$ 9,700.00	4
8.	Abigail A. Burns	$28,750.00	7
9.	Whittier Partners	$12,500.00	5

(Funds available in Account No. 2441-9886).
The Commission V O T E D: Approved.
The Commission further V O T E D: Authorization for Commissioner Bhatti to execute the Contracts on behalf of the Commission.

Action was taken upon the following matters relating to the Office of Real Property:

4. Report of Mr. Gray, March 9, submitting for approval, Work Schedule and Project Summary and Justification, for Open Order Contract No. RP94-0004, for Appraisals for Park Land Acquisition FY/94 - Middlesex, Suffolk, Norfolk, Essex, and Plymouth Counties. Cost $500,000.00. Account No. 2441-9886, under Section 32 of Chapter 564 of the Acts of 1987 - (Open Space Bond).
The Commission V O T E D: Approved.

5. Report of Mr. Gray, March 9, submitting for approval, Work

Schedule and Project Summary and Justification, for Open Order Contract No. RP94-0005, for Title Examinations for Park Land Acquisition FY/94 - Middlesex, Suffolk, Norfolk, Essex, and Plymouth Counties. Cost $60,000.00. Account No. 2441-9886, under Section 32 of Chapter 564 of the Acts of 1987 - (Open Space Bond).
The Commission V O T E D: Approved.

1. Report of Mr. Gray, March 9, submitting for approval, Work Schedule and Project Summary and Justification, for Open Order Contract No. RP94-0006, for Surveys for Park Land Acquisition FY/94 - Middlesex, Suffolk, Norfolk, Essex, and Plymouth Counties. Cost $90,000.00. Account No. 2441-9886, under Section 32 of Chapter 564 of the Acts of 1987 - (Open Space Bond).
The Commission V O T E D: Approved.

2. Report of Mr. Gray, February 22, recommending that the Commission adopt an Order of Taking for acquisition of approximately 59 acres of land owned by William O. Foye, located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $74,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 59 acres of land owned by William O. Foye, located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 10, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts, namely:

Two certain parcels of land in New Salem, situated off the easterly sideline of Whitaker Road, bounded and described as follows:

Parcel 1.

Beginning at a gun barrel located N. 80°56'44" W., a distance of 1,240 feet from a gun barrel in the westerly sideline of South Main Street, and running by land now or formerly of LeFerrierre, as shown on the plan entitled Plan of Land in New Salem Owned by Nancy S. Wetherbee", prepared by Berry Engineering, Inc., dated October 26, 1975, and recorded with Franklin County Registry of Deeds in Plan Book 42, Page 12; thence

S. 17°43'32" W., 595.47 feet by land of LeFerrierre to a gun barrel; thence

S. 17°43'32" W., 350.00 feet by land of LeFerrierre to an iron pipe; thence
S. 11°24'14" E., 472.58 feet to a point; thence
S. 09°57'44" E., 396.31 feet to a rough stone bound; thence
S. 12°57'24" W., 250.73 feet to a rough stone bound; thence
S. 01°35'25" W., 539.22 feet to an MDC bound, the last four distances by land of the Commonwealth of Massachusetts, formerly of Hackett, as shown on said plan; thence
S. 89°03'30" W., 50.00 feet, more or less, to a point in the centerline of Hop Brook; thence
Northwesterly, Westerly and Southwesterly, 2,600 feet, more or less, along the thread of Hop Brook, to a point off the northeasterly sideline of Russell Road, as shown on said plan, by land formerly of Bates, and now of the Commonwealth; thence
N. 66°01'07" W., 195 feet, more or less, to a stone wall; thence
N. 58°42'30" W., 192.10 feet to a gun barrel; thence
N. 33°57'47" W., 172.75 feet, along an arc with a radius of 200.00 feet, to a gun barrel; thence
N. 09°13'04" W., 686.34 feet along the easterly sideline of Whitaker Road to a gun barrel;
N. 80°03'09" E., 403.12 feet to the corner of a stone wall; thence
N. 82°59'27" E., 378.78 feet to an iron pipe; thence
N. 06°43'33" E., 869.85 feet to an iron pipe, the last three distances by land now or formerly of Wetherbee; thence
S. 80°26'16" E., 935.07 feet to a gun barrel, by land now or formerly of Oelschlegel and Plainte; thence
Southeasterly 100 feet, more or less, to the point of beginning.

Containing approximately 54.28 acres, and being a portion of Parcel "C" as shown on said plan, being called the "Wetherbee Plan" for purposes of this order of taking, and excluding that portion of Parcel C containing 22.630 acres conveyed by William O. Foye to Young Hee Lowe by deed dated May 3, 1985, and recorded with said Deeds in Book 1867, Page 74.

Parcel 2.

Beginning at a gun barrel on the easterly sideline of Whitaker Road, as referenced in the above Wetherbee plan, and as shown on a plan entitled "Plan of Land in New Salem Prepared for John E. Mannino," prepared by Berry Engineering, Inc., dated April 21, 1989, and recorded with said Deeds in Plan Book 75, Page 56; thence

Northwesterly by the easterly sideline of Whitaker Road, 125.00 feet, more or less, to a gun barrel; thence
S. 89°35'20" E., 802.08 feet by land now or formerly of Mannino to a gun barrel; thence
S. 89°35'20" E., 30.00 feet, more or less, to a point in the centerline of Hop Brook; thence
Northerly by the centerline of Hop Brook and by land of Mannino, 1001.00 feet, more or less, to a point; thence
S. 78°10'53" E., 212.00 feet, more or less, by land of Foye and formerly of Wetherbee, to an iron pipe; thence
S. 06°43'33" W., 869.85 feet to an iron pipe, as shown on the Wetherbee Plan at the northwesterly corner of Parcel C, as referenced in Parcel 1; thence
N. 82°59'27" E., 378.78 feet by land of Foye and formerly of Wetherbee to a corner of a stone wall as shown on the Wetherbee Plan; thence
N. 80°03'09" E., 403.12 feet to a gun barrel at the point of beginning.

Comprising approximately 4.8 acres, and being the same premises conveyed to William O. Foye and Young Hee Lowe by deed of David K. Wetherbee, dated July 23, 1979, and recorded with said Deeds in Book 1590, Page 227, as referenced in the above plan prepared for John E. Mannino.

Parcels 1 and 2 as described in this instrument, together comprise 59.08 acres, more or less.

The aforementioned property is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
William O. Foye	59.08 acres

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, to the following restrictions on the use of the parcel of land hereinabove described:

1. No construction or placing of buildings or structures or roads or parts thereof, and no placing of utilities or utility delivery systems;

2. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance except as needed to maintain the land;

3. No livestock or animals may be housed or confined on the premises, or otherwise placed on said premises for pasturage or any other purposes;

4. No cutting or removal of trees except in connection with forestry management practices approved by the Division of Watershed Management; and

5. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken grants said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, but not the public, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
William O. Foye	$ 74,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $74,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, February 23, recommending that the Commission adopt an Order of Taking for acquisition of approximately 10.57 acres of land owned by Annette Cycon, located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $23,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 10.57 acres of land owned by Annette Cycon, located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 10, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts, namely:

A certain parcel in New Salem, situated off the easterly sideline of Whitaker Road, bounded and described as follows:

Beginning at the northwesterly corner of said parcel, at a concrete bound at the intersection of stone walls at land now or formerly of McClenahan and Bonsignore, as shown on the plan referenced below;

THENCE S. 80°45'00" E., 133.11 feet to a concrete bound at the end of a stone wall;

THENCE S. 78°10'53" E., 387.38 feet by land of Bonsignore to a concrete bound;

THENCE S. 78°10'53" E., 30.00 feet, more or less, to a point in the centerline of Hop Brook;

THENCE Southerly by the centerline of Hop Brook and by land of Foye, 1001.00 feet, more or less, to a point;

THENCE N. 89°35'23" W., 30.00 feet, more or less, by land of Foye to a concrete bound;

THENCE N. 89°35'23" W., 419.68 feet by land of Foye to a concrete bound, at the southeasterly corner of said parcel;

THENCE N. 05°31'48" W., 235.52 feet to by land now or formerly of Mannino and Carroll to a concrete bound, which bound is at a point in the Quabbin Coordinate system of N. 126069.79, E. 88095.79;

THENCE N. 53°00'22" W., 79.56 feet to a concrete bound;

THENCE N. 00°56'27" W., 309.37 feet along a stone wall to a concrete bound;

THENCE N. 75°19'51" W., 54.39 feet to a concrete bound;

THENCE N. 61°56'48" W., 30.80 feet to a concrete bound;

THENCE N. 01°58'03" E., 240.57 feet to a concrete bound, the last five courses being by land of Cycon; the last referenced bound being located S. 89°59'47" E., a distance of 399.63 feet from a gun barrel on the easterly side of Whitaker Road and at the northwesterly corner of land of Cycon, which gun barrel is located S. 26°06'05" E., a distance of 176.05 feet from the intersection of the easterly line of Whitaker Road with the easterly line of Daniel Shays Highway;

THENCE N. 01°09'12" E., 150.00 feet to a concrete bound at the intersection of stone walls, the point of beginning.

Containing 10.57 acres, more or less, and being a portion of the premises described in a deed from Martina Carroll and John Mannino to Annette Cycon, dated August 5, 1989, and recorded with Franklin County Registry of Deeds in Book 2358, Page 185, and as shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, New Salem (Franklin County) Mass., Land Taking Plan for Watershed

Protection," prepared by Almer Huntley, Jr. & Associates, Inc., dated June 28, 1993, which plan shall be recorded with said Deeds either with this instrument or at a later date, and made a part of this order.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Annette Cycon	10.57 acres

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, to the following restrictions on the use of the parcel of land hereinabove described:

1. No construction or placing of buildings or structures or roads or parts thereof, and no placing of utilities or utility delivery systems or ways and paths, except as required to serve the remaining premises not burdened by this restriction;

2. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance except as needed to maintain the land;

3. No livestock or animals may be housed or confined on the premises, or otherwise placed on said premises for pasturage or any other purposes;

4. No cutting or removal of trees except in connection with forestry management practices approved by the Division of Watershed Management; and

5. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken grants said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, but not the public, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Annette Cycon	$ 23,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $23,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, February 23, recommending that the Commission adopt an Order of Taking for acquisition of approximately 15.72 acres of land owned by Bradley P. Wilson, Trustee of Sterling Nominee Trust, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $15,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 15.72 acres of land owned by Bradley P. Wilson, Trustee of Sterling Nominee Trust, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 10, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in Sterling, located off Gates Road and passing on, over and through Waushacum Lake, and more particularly described as comprising the five (5) parcels of land described in the deed from Howard S. Palmer, et al, Trustees of the properties of The New York, New Haven and Hartford Railroad Company and the Old Colony Railroad Company, to Albert H. Surprenant, dated August 21, 1947, and recorded with Worcester District Registry of Deeds in Book 3103, Page 490, and being the same premises shown as a railroad bed on a plan entitled "New York New Haven and Hartford Railroad Real Estate and Right of Way Department, Land in Sterling, Mass. to be conveyed to Albert H. Surprenant," dated May 1947, and recorded with said Deeds in Plan Book 150, Plan 26. Containing approximately 15.72 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Gates Road and any other roads and ways which may be held by the supposed

owner, and being the same premises described in a deed from Albert H. Surprenant, Jr., et al, to Bradley P. Wilson, Trustee of Sterling Nominee Trust, dated November 9, 1992, and recorded with said Deeds in Book 14778, Page 81.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Bradley P. Wilson, Trustee of Sterling Nominee Trust	$ 15,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $15,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from February 7, 1994 to February 14, 1994.

Expenditures $674,676.95

2. The following schedules were approved for payment by the Commissioner during the period from February 14, 1994 to February 21, 1994.

Expenditures $313,042.48

Adjourned at 10:25 a.m., to meet on Thursday, March 24, 1994, at 10:00 a.m.

Julie B O'Brien
Secretary (Acting)

Record of the Three Thousand Six Hundred and Eighty Second (3682nd) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, March 24, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Elkort and Settles.

The Records of the Commission Meeting held on February 17, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and two Associate Commissioners:

1. Contract No. P93-1661-C1A, dated March 24, 1994, with I. W. Harding Construction Co., Inc., for Improvements to Father R. Ryan Memorial Playground, Mattapan, Massachusetts.

2. Contract-Agreement No. WM90-006-S2A, dated March 24, 1994, with GZA GeoEnvironmental, Inc., for Supplemental Services, Quabbin Reservoir Emergency Action Plan.

3. Contract-Agreement, dated March 24, 1994, with Morell Associates, for Laboratory Services for Giardia and Cryptosporidium Analyses.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and McCalla, March 4, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1738-M1A, for Maintenance of Prime Power and Emergency Generators at Various Locations.
Estimated cost for the two (2) year period is $80,000.00.
Account No. 2440-0010 - $40,000.00 - FY95
Account No. 2440-0010 - $40,000.00 - FY96
(Contract funding is contingent upon sufficient funds being made available through the annual budgetary appropriation).
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

5. Report of Messrs. Faucher and McCalla, March 7, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1737-M1A, for Electronic and Sound Maintenance and Repair Work at Various Sports Facilities and Recreational Areas of the Metropolitan Park District - Fiscal Years 1995 and 1996.
Estimated cost for the two (2) year period is $180,000.00.
Account No. 2440-0010 - $90,000.00 - FY95
Account No. 2440-0010 - $90,000.00 - FY96
(Contract funding is contingent upon sufficient funds being made available through the annual budgetary appropriation).
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

6. Report of Messrs. Faucher and Lenhardt, March 7, recommending

approval of Extra Work Order No. 1, in the amount of $6,234.77, to replace several bridge deck expansion joints which have fallen out over Beacon Street and Commonwealth Avenue sidewalks, on Contract No. P93-1702-C1A, with N. E. L. Corporation, for Bridge Deck Repair - Bowker Overpass Inbound, Boston.
(At no additional cost to the Commission as there are sufficient unused quantities in Item No. 014-010 - Traffic Control Services, to offset cost of Extra Work Order No. 1).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $6,234.77.

1. Report of Messrs. Faucher and Sacco, February 11, recommending the following on Contract No. P93-1677-C4A, with Prime Coatings Inc., for Cleaning and Painting the Gilmore Bridge -
(a) That work be accepted as completed as of August 12, 1993.
(b) That Estimate No. 3F (Final), in the amount of $14,964.72, be approved for payment.
(c) That reserve, in the amount of $9,187.62, be approved for payment.
(Basis of Award - $234,000.00)
(Total to Date - $183,752.34)
(Contract Administration Rating - 4.17)
(EEO Compliance - 4.75)
The Commission V O T E D: that the work of Prime Coatings Inc., Contractor under Contract No. P93-1677-C4A, for Cleaning and Painting the Gilmore Bridge, be and hereby is accepted as completed as of August 12, 1993.
The Commission further V O T E D: to approve Estimate No. 3F (Final), in the amount of $14,964.72, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $9,187.62, for payment.

2. Report of Messrs. Faucher and McCalla, March 4, recommending approval of revisions in quantities on the following items on Contract No. P92-1643-M1A, with Coviello Electric and General Contracting Co., Inc., for Electrical Maintenance Work at Sports Facilities and Recreation Areas of the Metropolitan Parks District -

Item No. 1	**$15,200.00**
Hourly Labor Rate for Licensed Electrician	
Item No. 2	**$ 8,400.00**
Hourly Labor Rate Electrician's Helper	
Item No. 3	**$ 4,000.00**
Hourly Rate for Vehicle	
Item No. 5	**$10,950.00**
Materials, Components, Parts	
Lump Sum Allowance	
Total -	**$38,550.00**

(Funding is available in Account No. 2440-0010).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and McCalla in their report of March 4, 1994.

3. Report of Messrs. Faucher, Haider and Giella, February 7, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No.

P94-1731-C1A, for Roof Replacement at the North Central Garage Cluster, Stoneham, Massachusetts.
Estimated cost $150,000.00.
Account No. 2490-8881.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

1. Report of Messrs. Faucher and Sacco, March 15, recommending approval of the request of M. DeMatteo Construction Co., general contractor, on Contract No. P80-0826-C1A, for Repairs to Huntington Avenue Overpass, to engage the services of RDA Construction Corporation and The Dow Co., Inc., as sub-contractors for the following items -

RDA Construction Corporation

Item No. 037-010	- Oil Separator Cofferdam	- $80,000.00
	Total	**- $80,000.00**

The Dow Co., Inc.

Item No. 006-010	- Manhole (Ex Cast)	- $ 3,200.00
Item No. 007-010	- 8" PVC Pipe	- $ 680.00
Item No. 007-020	- 10" PVC Pipe	- $ 5,250.00
Item No. 007-040	- 12" RC Pipe	- $ 2,200.00
Item No. 007-050	- 15" PVC Pipe	- $ 3,120.00
Item No. 007-060	- 10" GS Pipe	- $ 1,260.00
Item No. 038-010	- Precast Concrete Oil Separator	- $18,000.00
	Total	**- $33,730.00**

(At no additional cost to the Commission).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and McCalla, March 7, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1736-M1A, for Electrical Maintenance Work at Sports Facilities and Recreational Areas of the Metropolitan District - FY95 and FY96.
Estimated cost for the two (2) year period is $180,000.00.
Account No. 2440-0010 - $90,000.00 - FY95
Account No. 2440-0010 - $90,000.00 - FY96
(Contract funding is contingent upon sufficient funds being made available through the annual budgetary appropriation).
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

3. Report of Messrs. Faucher and Machado, March 11, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1734-C1A, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.
Estimated cost $500,000.00.
Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

4. Report of Messrs. Faucher and Brooks, March 4, recommending the following on Contract No. P93-1663-C1A, with Bay State Contracting Co., for Installation of Metal Insulated Wall Panels

at West Roxbury Rink and Weymouth Rink and Pool -
(a) That work be accepted as completed as of December 25, 1993.
(b) That Estimate No. 3 (Final), in the amount of $15,948.60, be approved for payment.
(c) That reserve, in the amount of $8,449.40, be approved for payment.
(Basis of Award - $154,000.00)
(Total to Date - $168,988.00)
(Contract Administration Rating - 4.10)
(EEO Compliance - 4.20)
The Commission V O T E D: that the work of Bay State Contracting Co., Contractor under Contract No. P93-1663-C1A, for Installation of Metal Insulated Wall Panels at West Roxbury Rink and Weymouth Rink and Pool, be and hereby is accepted as completed as of December 25, 1993.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $15,948.60, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $8,449.40, for payment.

1. Report of Mr. Faucher and Mrs. Graves-Jones, February 23, recommending the following on Contract No. P92-1635-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of MDC at Various Locations -
(a) That work be accepted as completed as of December 31, 1993.
(b) That reserve, in the amount of $1,321.85, be approved for payment.
(c) That the Commission ratify the Division's action utilizing an additional source of funding available to the Commission, in the amount of $64,800.00 under Suffolk County Account No. 2450-1093.
(Basis of Award - $147,407.60)
(Total to Date - $158,837.00)
(Contract Administration Rating - 4.00)
(EEO Compliance - 1.75)
The Commission V O T E D: that the work of Markings, Inc., Contractor under Contract No. P92-1635-M1A, for Installation of Reflectorized Pavement Markings on Parkways and Roadways of MDC at Various Locations, be and hereby is accepted as completed as of December 31, 1993.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,321.85, for payment.
The Commission further V O T E D: to ratify the Division's action utilizing an additional source of funding available to the Commission, in the amount of $64,800.00 under Suffolk County Account No. 2450-1093.

2. Report of Messrs. Faucher and Haider, February 17, recommending the following on Contract No. P93-1687-M2A, with P. H. Mechanical Corp., for Servicing of H.V.A.C. Systems at Various M.D.C. Facilities -
(a) That the Commission ratify the action taken by the Division and approve **Extra Work Order No. 1**, in the amount of **$42,500.00**, for installation of heating system at the Steriti Skating Rink, North End, Boston.

(b) Approval of **Extra Work Order No. 2**, in the amount of **$24,554.00**, for installation of heating system at the Devine Skating Rink, Dorchester.

(c) Approval of **Revisions in Quantities** as follows -

Item No. 001-010	- Licensed Technician	- $16,470.00
Item No. 002-010	- Technician Helper	- $ 520.00
Item No. 003-010	- Materials, Components, Parts and Controls	- $ 1,210.00
	Total Revisions in Quantities	- **$18,200.00**

(Funds are available in Account Nos. 2440-0010, 2440-0100, 2440-8798 and 2440-8999).

The Commission V O T E D: to ratify the action taken by the Division and approve Extra Work Order No. 1, in the amount of $42,500.00.

The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of $24,554.00.

The Commission further V O T E D: to approve the Revisions in Quantities as recommended by Messrs. Faucher and Haider in their report of February 17, 1994.

1. Report of Messrs. Faucher and Carrigan, February 22, recommending that the Commission ratify and approve the action taken by the Division, on Contract No. P93-1684-C1A, with D & R General Contracting Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations throughout the MDC, as follows -

SUFFOLK COUNTY

Alteration No. 1	$ 5,444.45
Furnishing and Installing steel wire reinforcement in concrete sidewalks at Malibu Beach, Dorchester.	
Revisions in Quantities	
Item No. 004-010	$ 4,000.00
Loam Borrow	
Item No. 005-010	$ 0.05
Catch Basin & Manhole Adjusted to Grade	
Item No. 006-010	$ 2,800.00
Catch Basins & Manhole Rebuilt	
Item No. 008-010	$ 0.38
Utility Boxes Adjusted to Grade	
Item No. 015-010	$ 2,300.00
Pavement Trimming	
Item No. 017-010	$ 82,800.00
Cement Concrete Sidewalks, Medians & Traffic Islands, One Course 4" Thick	
Item No. 020-010	$ 40,000.00
Bituminous Concrete for Sidewalks, Driveways and Patching	
Total =	$131,900.43
Funding from unused quantities in Item Nos. -	- $ 66,580.02

009-010-Edgestone Removed, Stored or Disposed of
011-010-New Granite Edgestone, Type VA-4" - 6" x 18" straight

022-010-Bituminous Concrete Curb Type 2
023-010-Grading, Liming, Fertilizing & Seeding
024-010-Furnish & Install Catch Basin Frame & Lid
024-020-Catch Basin Frames and Lid
027-010-Traffic Control Services

Funding Required $ 65,320.41

(Funds are available in Account No. 2490-8910).

NON SUFFOLK COUNTY

Revisions in Quantities

Item No. 001-010 $ 2,100.00
Unclassified Excavation

Item No. 004-010 $ 3,000.00
Loam Borrow

Item No. 012-010 $ 399.75
New Granite Edgestone-type VA-4"-6"x18", curved

Item No. 014-010 $ 3,600.00
New Granite Corner Blocks 2' Radius

Item No. 015-010 $ 500.00
Pavement Trimming

Item No. 017-010 $ 7,200.00
Cement Concrete Sidewalks, Medians & Traffic Islands, One Course 4" Thick

Item No. 019-010 $ 5,250.00
Handicap Ramps

Item No. 020-010 $ 10,000.00
Bituminous Concrete for Sidewalks, Driveways & Patching

Total = $ 32,049.75

Funding from unused quantities in Item Nos. - - $ 32,049.75
003-010-Gravel Borrow
009-010-Edgestone Removed, Stored or Disposed of
023-010-Grading, Liming, Fertilizing & Seeding
027-010-Traffic Control Services

No funding required $ 0.00

Messrs. Faucher and Carrigan further request an extension of time from April 21, 1994 to June 30, 1994, due to additional work requested by the MDC at Daley, Connell and Cronin Rinks and Malibu and Carson Beaches.
At no additional cost to the Commission.
The Commission V O T E D: to ratify the action taken by the Division and approve Alteration No. 1, (Suffolk County), in the amount of $5,444.45.
The Commission further V O T E D: to ratify the action taken by the Division and approve the Revisions in Quantities, (Suffolk and Non-Suffolk Counties), as recommended by Messrs. Faucher and Carrigan in their report of February 22, 1994.
The Commission further V O T E D: to approve an extension of time from April 21, 1994 to June 30, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Lenhardt, March 8, recommending approval of the following on Contract No. P80-0826-C1A, with M. DeMatteo Construction Co., for Repairs to Approaches to Huntington Avenue Overpass -

Extra Work Order No. 2A	**$ 1,131.79**
Areas of steel sheeting temporarily removed and re-installed	
Alteration No. 6	**$ 705.00**
Repositioning of traffic attenuator for adding a line of concrete barriers allowing work to be performed on Stage II simultaneous with Stage I.	
Alteration No. 7	**$ 3,819.13**
On Item #021-010, "Restoration of Steel Piles", to include re-sandblasting of the steel piles	
Revisions in Quantities -	
Item No. 001-010	**$ 6,320.00**
Unclassified Excavation	
Item No. 001-030	**$ 7,000.00**
Concrete Excavation	
Item No. 013-030	**$ 1,700.00**
Dense Binder	
Item No. 022-020	**$ 510.00**
2" Dia. Coring, 12" Deep	
Total -	**$21,185.92**

(Funds in amount of $14,865.92 are available in Account No. 2490-8911 and the remaining amount of $6,320.00 will be offset by unused quantities in Item No. 002-010, Concrete Deck Removal 0" to 2" Deep).
The Commission V O T E D: to approve Extra Work Order No. 2A, in the amount of $1,131.79.
The Commission further V O T E D: to approve Alteration No. 6, in the amount of $705.00.
The Commission further V O T E D: to approve the Revisions in Quantities as recommended by Messrs. Faucher and Lenhardt in their report of March 8, 1994.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, March 17, submitting for approval and execution Supplemental Joint Funding Agreement with the United States Department of the Interior, Geological Survey, for Additional Stream Gaging in the Wachusett Reservoir Watershed, for the period from January 21, 1994 to September 30, 1994. The total cost of the increased program is $54,820.00 and will be offset by a $6,000.00 Federal Cooperative Funds Match. The net cost to the Commission will be $48,820.00.
Funds are available in Account No. 2420-1400.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Supplemental Joint Funding Agreement, dated March 24, 1994, with the United States Department of the Interior, Geological Survey, which was signed by the Commissioner and two Associate Commissioners.

3. Report of Mr. Jewett, March 21, requesting that the Commission authorize and execute Contract-Agreement with Carr, Lynch, Hack

and Sandell, for Phase II (Revere Landing Park) of Contract-Agreement No. P82-1022-D1A, New Charles River Basin Planning and Design. Total Compensation not-to-exceed $1,372,195.00. Time for Performance 33 months.
Funds are available in Account No. 2449-1000.
The Commission V O T E D: to authorize a Contract-Agreement with Carr, Lynch, Hack and Sandell, for Phase II (Revere Landing Park) of Contract-Agreement No. P82-1022-D1A, New Charles River Basin Planning and Design, as requested by Mr. Jewett in his report of March 21, 1994.
The Secretary then submitted for signature Contract-Agreement, dated March 24, 1994, with Carr, Lynch, Hack and Sandell, which was signed by the Commissioner and two Associate Commissioners.

1. Report of Mr. Jewett, March 22, submitting for approval and execution an Amendment, extending the completion date from March 31, 1994 to June 30, 1995, on Contract-Agreement No. WM89-010-S1A, with E. G. & G. Washington Analytical Services Center, Inc., for Sediment Geophysical Investigation of Quabbin and Wachusett Reservoir.
At no additional cost to the Commission.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated March 24, 1994, to Contract-Agreement No. WM89-010-S1A, with E. G. & G. Washington Analytical Services Center, Inc., which was signed by the Commissioner and two Associate Commissioners.

Hearing before the Prequalification Appeal Board:

2. Request of New England Traffic Signals, Inc., appealing the denial of the renewal of its prequalification by the Commission's Prequalification Committee.
The Commission V O T E D: Held Over to March 31, 1994.

Action was taken upon the following matters relating to the Office of Real Property:

3. Report of Mr. Gray, March 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 13.26 acres of land owned by John Jeleniewski and Rosemarie A. Jeleniewski, Located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $36,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 13.26 acres of land owned by John Jeleniewski and Rosemarie A. Jeleniewski, Located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 24, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts, namely:

A parcel of land in New Salem situated on the northerly side of Moosehorn Road, bounded and described as follows:

BEGINNING at the southwesterly corner thereof at a gun barrel set in the northerly line of Moosehorn Road at the southeasterly corner of land now or formerly of William Bullard and Robert Bullard; and running thence:

(1) North 0 degrees 26 minutes 33 seconds West a distance of 296.91 feet with said Bullard land to a heap of stones; and running thence:

(2) North 2 degrees 38 minutes 49 seconds West a distance of 183.01 feet to an MDC bound at a corner of land of the Commonwealth of Massachusetts, Metropolitan District Water Supply Commission, formerly of Harry M. Hackett; and running thence:

(3) South 89 degrees 42 minutes 22 seconds East a

distance of 713.39 feet with said Commonwealth land to a MDC bound; and running thence:

(4) South 23 degrees 56 minutes 06 seconds East a distance of about 725 feet by land now or formerly of Gordon E. Haskins and Rosemarie A. Haskins, now Rosemarie A. Jeleniewski, to a point in the center of a brook; and running thence:

(5) Southerly upstream a distance of about 223 feet with the center of said brook and land now or formerly of said Haskins to a point in the northerly line of Moosehorn Road; and running thence:

(6) Westerly along the arc of a curve to the right having a radius of 928.53 feet with the northerly line of Moosehorn Road for an arc distance of 168.19 feet, said arc being subtended by a central angle of 10 degrees 22 minutes 41 seconds, to a point of tangency; and running thence:

(7) North 69 degrees 36 minutes 23 seconds West a distance of 190.90 feet with the northerly line of Moosehorn Road to a point of curvature; and running thence;

(8) Westerly with the northerly line of Moosehorn Road along the arc of a curve to the right having a radius of 871.94 feet for an arc distance of 195.47 feet, said arc being subtended by a central angle of 12 degrees 50 minutes 39 seconds, to a point of tangency; and running thence:

(9) North 56 degrees 45 minutes 44 seconds West a distance of 206.78 feet with the northerly line of Moosehorn Road to a point of curvature; and running thence:

(10) Westerly with the northerly line of Moosehorn Road along the arc of a curve to the left having a radius of 503.56 feet for an arc distance of 306.93 feet, said arc being subtended by a central angle of 34 degrees 55 minutes 24 seconds, to the place of beginning, containing a calculated area of 13.26 acres of land, more or less.

Being the westerly portion of the premises conveyed by Gordon E. Haskins, Sr., and Gordon E. Haskins, Jr., to Gordon E. Haskins, Jr., and Rosemarie A. Haskins by deed dated January 16, 1974 and recorded with the Franklin County Registry of Deeds, Book 1377, Page 283, and being shown on a plan entitled "Plan of Land in New Salem surveyed for Rose-Marie and John J. Jeleniewski, 1" = 100', 8 December 1980, Berry Engineering, Inc., Petersham, Mass.", recorded with said Deeds, Plan Book 49, Page 38.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, including any interest which may be held by the owners of record in and to Moosehorn Road.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
John Jeleniewski and Rosemarie A. Jeleniewski	$ 36,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $36,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, March 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 11.2 acres of land owned by Douglas G. Rice, Located in the Towns of Sterling and West Boylston, Massachusetts, and to approve an award of damages in the amount of $35,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 11.2 acres of land owned by Douglas G. Rice, Located in the Towns of Sterling and West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 24, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Towns of Sterling and West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in Sterling and West Boylston lying west of Sterling Road, Route 12, on the southerly side of Palmer Lane, and southeasterly of the railbed of the Worcester, Nashua & Portland Division of the Boston & Maine Railroad, bounded and described as follows:

BEGINNING at a drill hole in a concrete bound set on the southerly sideline of Palmer Lane, Sterling, at land now or formerly of James Joy, being the northeasterly corner of the parcel being described;

THENCE S. 06° 56' 07" W., 233.27 feet to a stone bound found at or near the corporate boundary between Sterling and West Boylston at land of the Commonwealth of Massachusetts, this course being by land now or formerly of the above cited Joy;

THENCE crossing into West Boylston and continuing along the same bearing a distance of 842.12 feet to a drill hole in a stone bound found at a corner;

THENCE turning S. 82° 19' 48" E. a distance of 54.08 feet, more or less, to a point on the centerline of Waushacum Brook at land now or formerly of Baldarelli Brothers, Inc., the last two courses being by land of the Commonwealth;

THENCE going downstream along the centerline of the brook, by land now or formerly of Baldarelli, a distance of 887 feet, more or less, to a point on the centerline of a discontinued street (Sterling Street) and other land of the Commonwealth;

THENCE following the centerline of the former street, N. 08° 55' 30" W., a distance of 89.04 feet to a drill hole in a stone bound found;

THENCE N. 14° 34' 30" E., a distance of 478.00 feet to the remains of a stone bound at a corner;

THENCE Turning N. 77° 52' 26" W. a distance of 148.74 feet to a stone bound with drill hole found at a point on the southeasterly layout line of a railroad bed now or formerly of the Worcester, Nashua & Portland Division of the Boston & Maine Railroad, the last three courses being by land of the Commonwealth;

THENCE N. 41° 52' 58" E. by the southerly line of the railbed, and crossing back into Sterling, a distance of 605.85 feet to a concrete bound set at the point of intersection between the southeasterly lines of the railbed and of Palmer Lane;

THENCE N. 86° 36' 05" E. a distance of 270.29 feet, along the southerly line of Palmer Lane, to the drill hole in the first mentioned concrete bound, being the point and place of beginning.

Containing 11.2 acres, more or less and shown as Lot #5 on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, West Boylston & Sterling (Worcester County), Mass., Land Taking Plan for Watershed Protection," prepared by Schofield Brothers of New England, Inc., identified as plan 17491-2 and dated June 23, 1993, which plan shall be recorded with the Worcester District Registry of Deeds at a later date and made a part of this order.

Being the same premises described in a deed from Lois B. Plumley, et al, to Douglas G. Rice, dated March 5, 1969, and recorded with said Deeds in Book 4992, Page 512.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Palmer Lane and the discontinued Sterling Street which may be held by the supposed owner.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Douglas G. Rice	$ 35,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $35,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, March 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 13.01 acres of land owned by Oscar B. Nordstrom, located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $167,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 13.01 acres of land owned by Oscar B. Nordstrom, located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 24, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain parcels of land in West Boylston, bounded and described as follows:

<u>Parcel 1.</u>

Beginning at a stone post in the southerly line of Laurel Street at a corner of land now or formerly of Milton:

THENCE running S. 27° 30' 08" W., 550.00 feet to a point also at land of Milton;
THENCE running S. 23° 30' 08" W., 684.76 feet to a point at land formerly of the B & M Railroad;
THENCE running by said Railroad land 17.68 feet to a brook at a corner of of land formerly of Harris;
THENCE running by said Harris land N. 13° 27' 12" E., 270.23 feet to a point;

THENCE running N. 82° 07' 48" W., 330.00 feet to land now or formerly of Antonio;
THENCE running N. 13° 27' 12" E. by said Antonio land, 831.62 feet to a point at land now or formerly of Severance;
THENCE running S. 82° 52' 45" E. by said Severance land, 196.48 feet to a point;
THENCE continuing by said Severance land N. 13° 46' 30" E., 206.00 feet to a point in said southerly line of Laurel Street;
THENCE following said southerly line of Laurel Street, 212.07 feet to a Worcester County Highway marker in said line of Laurel Street;
THENCE continuing by said southerly line of Laurel Street, 200.75 feet to the point of beginning.

Containing 10.76 acres, more or less, as shown on a plan dated May 1972 and recorded in Worcester District Registry of Deeds in Plan Book 461, Plan 58, and being the same premises described as Parcel I in a deed from George F. Nordstrom, et al, to Oscar Nordstrom, dated September 20, 1976, and recorded with said Deeds in Book 6691, Page 7.

Parcel 2.

Beginning at the southwest corner thereof at the center of a wooden post at corners of land formerly of L. M. Harris and others and land formerly of the Massachusetts Central Railroad:

THENCE running S. 84 3/4 ° E. by land of the Massachusetts Central R.R., 326.70 feet to a stone set in the ground;
THENCE N. 09 1/4 ° E., 300.00 feet to a stome set in the ground, this course by land formerly of Asa F. Rice;
THENCE N. 84 3/4 ° W., 326.70 feet to land formerly of Mrs. Daniel Allen at a stone set in the ground;
THENCE S. 09 1/4 ° W., 300.00 feet by land of said Allen and land of L. M. Harris and others to the point of beginning.

Containing 2.25 acres, more or less, and being the same premises described in a deed from Asa F. Rice to Henry W. King, dated November 20, 1885, and recorded with said Deeds in Book 1212, Page 101.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Laurel Street which may be held by the supposed owner.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Oscar B. Nordstrom	$ 167,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $167,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, March 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 138 acres of land owned by David L. Dakota, Trustee, Dakota Nominee Trust, located in the Towns of Hubbardston and Barre, Massachusetts, and to approve an award of damages in the amount of $280,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 138 acres of land owned by David L. Dakota, Trustee, Dakota Nominee Trust, located in the Towns of Hubbardston and Barre, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 24, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Towns of Hubbardston and Barre in the County of Worcester and Commonwealth of Massachusetts, namely:

Parcel 1.

A certain parcel of land in the westerly part of Hubbardston and being the "Clark Pasture" and the "Parker Pasture", so-called, and bounded and described as follows:

Beginning at the westerly corner of the premises, at a point on the Barre Town Line, by land formerly of Williams hereinafter described; thence running southeasterly by said Barre Town Line one hundred seventy-nine (179) rods more or less to a heap of stones; thence North 57° East one hundred twenty (120) rods more or less, by land formerly of Metcalf Follett, to a point; thence northwesterly by land now or formerly of L. C. Newton one hundred seventy-nine (179) rods more or less to a point; thence southwesterly by land now or formerly of one Lufkin one hundred twenty-seven (127)

rods to the point of beginning, together with a right of way from the last mentioned bound to the Hubbardston-to-Petersham Road.

Containing 137 acres, more or less.

Parcel 2.

A certain parcel of land in Barre and adjoining the aforedescribed premises, bounded and described as follows:

Beginning at the northerly corner thereof, at a point on the Barre Town Line, being the point taken as the point of beginning in Parcel 1; thence southeasterly by said Barre Town Line or Hubbardston Town Line fourteen (14) rods; thence southwesterly thirteen (13) rods; thence northwesterly fourteen (14) rods; thence northeasterly thirteen (13) rods to the point of beginning.

Containing 1 acre, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Lydia I. Dakota, et al, to David L. Dakota, Trustee of the Dakota Nominee Trust, dated May 22, 1992, and recorded with Worcester District Registry of Deeds in Book 14243, Page 397.

As a condition to the negotiated settlement of this acquisition, the Commission hereby expressly grants to David L. Dakota, individually, and as named below as Trustee of the Dakota Nominee Trust, the right to cut timber on said premises for the period of one (1) year from the date of the recording of this order of taking in said Deeds, and also the Commission hereby expressly grants to said David L. Dakota, the right to access said premises for certain recreational activities for the term of his natural life, such activities to be limited to hunting, fishing and camping, provided that licensing and other legal requirements, including appropriate seasonal or specified periods of time for such activities, as set forth and enforced by duly authorized state and local agencies, are strictly adhered to, and also provided that such activities are determined to not adversely affect the watershed as

determined by the Division of Watershed Management of the Metropolitan District Commission or its successor. The Commission also acknowledges that said David L. Dakota shall record a release deed with said Worcester District Registry of Deeds subsequent to the recordation of this order, in accordance with the terms of the negotiated settlement.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land; expressly including in the premises taken hereby, however, all right, title and interest held by the owner of record in and to the right of way easement as described in the instrument dated June 29, 1978, and recorded with said Deeds in Book 6497, Page 129, excepting the right expressly granted as aforesaid to David L. Dakota to access the premises for the term of his natural life.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
David L. Dakota, Trustee of the Dakota Nominee Trust	$ 280,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $280,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

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1. Report of Mr. Gray, March 23, recommending that the Commission adopt an Order of Taking for acquisition of approximately 4 acres of land owned by the Heirs of Clarence F. Kendall and the Heirs of William D. Kendall, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $7,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 4 acres of land owned by the Heirs of Clarence F. Kendall and the Heirs of William D. Kendall, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 24, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land on the easterly side of a discontinued Town Road in the Town of Sterling leading from the house formerly of Cyrus Belknap to West Boylston, bounded and described as follows:

Beginning at the most Westerly corner at a white oak, on the Westerly side of said road, thence N. 81 1/2 ° E. forty-six rods and 20 links by land of John Gates to a stake in the wall; thence S. 30 1/4 ° W. fifty-two rods and 15 links by land of said Gates to a stake in the wall, on the Easterly side of said road; thence N. 26 1/2 ° W. forty-three rods partly on the Easterly side of said road and crossing the same to the first mentioned bound.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in said discontinued road which may be held by the supposed owners, and being the same premises described in a deed from James Bailey to James F. Kendall, dated April 26, 1882, and recorded with Worcester District Registry of Deeds in Book 1118, Page 261. Said premises are also shown on the assessor's map of the Town of Sterling as Lot No. 27-5 and containing approximately 4 acres, and being bounded on its northeasterly and southwesterly courses by land of the Commonwealth of Massachusetts.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Heirs of Clarence F. Kendall and Heirs of William D. Kendall	$ 7,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $7,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from February 21, 1994 to February 28, 1994.

Expenditures $558,029.27

2. The following schedules were approved for payment by the Commissioner during the period from February 28, 1994 to March 7, 1994.

Expenditures $375,199.67

Adjourned at 10:45 a.m., to meet on Thursday, March 31, 1994, at 10:00 a.m.

Julie B O'Brien

Secretary (Acting)

Record of the Three Thousand Six Hundred and Eighty Third (3683rd) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, March 31, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on March 10, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreements, dated March 31, 1994, for Non-Hazardous Waste (Rubbish) Removal Services, with Fred J. Fijal, for the Quabbin Area and Waste Management of Central MA, for the Wachusett Area.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Mr. Baratta and Jackson, March 23, on bids for 1994 Parkway Landscape Improvements, Contract No. P92-1628-C3A.
Account No. 2490-8910.
(Messrs. Baratta and Jackson recommend acceptance of the lowest bid received, that of Popico, Inc., of $281,750.00).
The Commission V O T E D: to accept the lowest bid, that of Popico, Inc., of $281,750.00.

3. Report of Mr. Jackson, February 15, 1994, requesting approval to increase the level of funding on Contract No. P89-1561-C6A, 1994 Cherry Tree Planting, from $30,000.00 to $40,000.00, to expedite the annual cherry tree planting sponsored by the International Cultural Association of Japan, which donates $10,000.00 for this planting. Total cost of this project will now be $40,000.00.
Funds are available in Account No. 2448-0000 - Metropolitan Trust Fund.
The Commission V O T E D: Approved as recommended by Mr. Jackson in his report of February 15, 1994.

4. Report of Messrs. Faucher and Carrigan, March 18, 1994, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1732-C1A, for Resurfacing of MDC Parkways at Various Locations throughout the MDC.
Estimated Cost $1,750,000.00.
Account No. 2490-8910.
Associate Commissioner Elkort noting that Hillside Street, Milton, in the area of the State Police Station, is in need of resurfacing. She asked that the Division look into the possibility of including this stretch of roadway in the resurfacing project.
Commissioner Bhatti agreed and then pointed out that there is a large pothole in front of the Police Station which is in need of repair.

The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

1. Report of Messrs. Faucher and Carrigan, March 14, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1733-C1A, for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing, Various Locations throughout the MDC.
Estimated Cost $750,000.00.
Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher, Haider and Giella, February 4, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1727-C1A, for Demolition and Disposal of Belmont Skating Rink, Belmont, and the Martin House, Milton, Massachusetts.
Estimated cost for Belmont Rink Demolition - $225,000.00.
Estimated cost for Martin House Demolition - $ 75,000.00.
Total Estimated Cost - $300,000.00.
Account No. 2440-8886.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

3. Report of Messrs. Faucher and Brooks, March 16, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1735-M1A, for Maintenance of Refrigeration Systems Located in Ice Skating Rinks within the Metropolitan Parks Systems.
Estimated cost for the two (2) year period is $550,000.00.
Account No. 2440-0010-NN.
(Contract funding is contingent upon sufficient funds being made available through the annual budgetary appropriation).
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

4. Report of Messrs. Faucher and Arinella, February 17, recommending the following on Contract No. P90-1577-C11A, with A & A Window Products, Inc., to Remove, Furnish and Install Glass Panels, Charles River Locks, Pump House and Police Building -
(a) That work be accepted as completed as of December 3, 1993.
(b) That Estimate No. 3F (Final), in the amount of $1,805.65, be approved for payment.
(c) That reserve, in the amount of $1,497.45, be approved for payment.
(Basis of Award - $28,449.00)
(Total to Date - $29,949.00)
(Contract Administration Rating - 4.33)
(EEO Compliance - 3.66)
The Commission V O T E D: that the work of A & A Window Products, Inc., Contractor under Contract No. P90-1577-C11A, to Remove, Furnish and Install Glass Panels, Charles River Locks, Pump House and Police Building, be and hereby is accepted as completed as of December 3, 1993.

The Commission further V O T E D: to approve Estimate No. 3F (Final), in the amount of $1,805.65, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,497.45, for payment.

1. Report of Messrs. Faucher and DiPietro, March 18, recommending approval of an Amendment for an extension of time from June 30, 1994 to June 30, 1999, on Contract-Agreement No. P82-1185-D1C, with Stone & Webster Engineering, for Engineering Services for Fish Passage Facilities on the Charles River.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and DiPietro in their report of March 18, 1994.

2. Report of Messrs. Faucher and Kirwin, February 10, recommending approval of revisions in quantities on the following items on Contract No. P92-1633-M1A, with Tri-State Signal, Inc., for Servicing Traffic Signal & Control Systems, Blue Hills & Old Colony Districts -

Item No. 016-010	**$ 440.00**
General Purpose Wire (X.H.H.W. #14)	
Item No. 018-010	**$1,360.00**
Traffic Signal Loop Detector	
Total -	**$1,800.00**

(Funding available in Account No. 2444-9001-NN).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Kirwin in their report of February 10, 1994.

3. Report of Mr. Faucher and Mrs. Graves-Jones, March 9, recommending approval of revisions in quantities on the following items on Contract No. P92-1632-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts -

Item No. 002-010	**$11,756.00**
Material, Components, Parts & Controls	
Item No. 003-010	**$ 675.00**
Flashing Traffic Control Device Knockdown Repair	
Item No. 003-020	**$ 750.00**
Traffic Signal Knockdown Repair	
Item No. 004-010	**$ 9,000.00**
Labor Rate for Licensed Electrician (Controller Technician)	
Item No. 012-010	**$ 3,360.00**
Communication System and Clerical Work	
Item No. 013-010	**$ 2,688.00**
Storage Room and Engineer's Office	
Total -	**$28,229.00**

(Funding is available in Account No. 2444-9001-NN).
The Commission V O T E D: Approved as recommended by Mr. Faucher and Mrs. Graves-Jones in their report of March 9, 1994.

4. Report of Messrs. Faucher and Abounaja, March 22, recommending approval of an extension of time from March 1, 1994 to July 1, 1995, on Contract-Agreement No. P82-1120-D1A, with Sasaki Associates, Inc., for Drainage Systems Rehabilitation for Ponkapoag Golf Course, due to the need to file an Environmental

Notification Form for review and approval by the Secretary of Environmental Affairs.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Robert O'Connor, March 16, on proposals for the purchase of forest products located on the Quabbin, Ware River and Wachusett Watersheds.
The Commission V O T E D: to accept the second highest qualified bid, that of New England Forest Products, of $3,000.15; to purchase approximately 295 cords of firewood on Timber Lot No. 638A - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Ellsworth Sawmill, of $20,050.00; to purchase approximately 93,980 board feet of timber and 129 cords of firewood on Timber Lot No. 666 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of K & C , of $1,260.00; to purchase approximately 73 cords of firewood on Timber Lot No. 668 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Leclerc & Son Logging, of $35,816.29; to purchase approximately 311,755 board feet of timber, 68 cords of firewood and 67 cords of pulp on Timber Lot No. 669 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of T. Jepson & Son, of $4,000.00; to purchase approximately 103,930 board feet of timber, 28 cords of firewood and 662 tons of whole tree wood on Timber Lot No. 670 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Hal J. Wilkins, of $11,825.00; to purchase approximately 162,000 board feet of timber, 67 cords of firewood and 57 tons of whole tree wood on Timber Lot No. 671 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Scott Chaffee, of $30,222.88; to purchase approximately 327,485 board feet of timber, 11 cords of firewood and 279 tons of pulp on Timber Lot No. 672 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of T. Jepson & Son, of $3,600.00; to purchase approximately 50,245 board feet of timber, 15 cords of pulp and 65 cords of pulp tops on Timber Lot No. 110 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Forward Enterprise, of $550.00; to purchase approximately 2,380 board feet of timber and 105 cords of firewood on Timber Lot No. 194A - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Robert Wetmore, Jr., of $1,228.00; to purchase approximately 31,420 board feet of timber, 21 cords of firewood and 439 tons of whole tree wood on Timber Lot No. 213A - Ware River Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Sawyer Trucking & Logging, of $5,454.90; to purchase approximately 85,365 board feet of timber and 37 cords of firewood on Timber Lot No. 221 - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of RJS Firewood, of $3,008.00; to purchase approximately 16,435 board feet of timber and 142 cords of firewood on Timber Lot No. 222 - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Forward Enterprise, of $9,500.00; to purchase approximately 143,475 board feet of timber and 101 cords of firewood on Timber Lot No. 223 - Ware River Watershed.

1. Report of Messrs. McGinn and Robert O'Connor, March 24, on proposals for the purchase of roadside sawlogs located on the Quabbin Reservoir Watershed.
The Commission V O T E D: to accept the only qualified bid, that of Leclerc & Son, of $872.50; to purchase approximately 56 cords of pulp on Roadside Sale No. 44 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Heyes Forest Products, of $1,426.60; to purchase approximately 4,375 board feet of 16' White Pine logs on Roadside Sale No. 45 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Beaman Lumber, of $15,264.00; to purchase approximately 79,740 board feet of logs on Roadside Sale No. 46 - Quabbin Reservoir Watershed.

2. Report of Messrs. McGinn and Pula, March 25, submitting for Commission approval season and fee schedule for the 1994 fishing season at Quabbin Reservoir.
The Commission V O T E D: to approve the following season and fee schedule for the 1994 fishing season at Quabbin Reservoir -

A. FISHING SEASON DATES
The season, weather permitting, for boat and shore fishing will be as follows:
- Boat Launch Area #1 (Gate 8), Boat Launch Area #2 (Gate 31), and Boat Launch Area #3 (Gate 43) will open on Saturday, April 16 and close on Saturday, October 15, 1994.

B. DAYS OPEN
All three Boat Launch Areas will be open seven days per week and a limited number of boats and motors will be available for rental at each area.

C. OPENING HOURS
-April 16-17: 5:30 A.M. (due to large crowds on first weekend)
-April 18 - October 15: 6:00 A.M.

D. CLOSING HOURS - BOATS OFF WATER
-April 16 - May 5: 6:00 P.M.
-May 6 - September 1: 7:00 P.M.
-September 2 - October 16: 6:30 P.M.

E. BOAT RENTAL RATES

Rentals	Minimum	Maximum (8+ hrs.)	Deposit
Boat	$ 2.00	$ 7.00	$ 7.00
Motor (inc. 3 gallons gas)	$ 8.00	$20.00	$20.00
Total	$10.00	$27.00	$27.00

Senior Citizens (65 or older) Monday through Friday except Holidays.

Rentals	Minimum	Maximum (8+hrs.)	Deposit
Boat	$ 1.00	$ 3.50	$ 3.50
Motor (inc. 3 gallons gas)	$ 4.00	$10.00	$10.00
Total	$ 5.00	$13.50	$13.50

F. PARKING/LAUNCHING FEES

Parking: Per Vehicle $4.00
Senior Citizens $2.00
Private Boat Launching: Per Person $2.00
Senior Citizen $1.00.

1. Report of Mr. McGinn, March 22, recommending the following on Contract No. WM93-008-S1A, with Bowditch & Dewey, for Regulation for Protection of Watershed System -
(a) That work be accepted as completed as of March 9, 1994.
(b) That Invoice No. 11, in the amount of $3,350.24, be approved for payment.
(Basis of Award - $50,000.00)
(Total to Date - $41,265.60)
(Consultant Evaluation - 8.50 (on a scale of 1.00 to 10.00, with 10.00 being excellent).
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Bowditch & Dewey, Consultant under Contract Number WM93-008-S1A, for Regulation for Protection of Watershed System, be and hereby is accepted as completed as of March 9, 1994.
The Commission further V O T E D: to approve Invoice No. 11, in the amount of $3,350.24, for payment.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

2. Report of Miss Connolly, March 25, recommending approval and execution of Agreement with Charles River Recreation, Inc., for the Operation of the Charles River Canoe and Kayak Service, for the period from April 1, 1994 to December 31, 1996.
The Commission V O T E D: Delete from Agenda.

Action was taken upon the following Various Matters:

3. Report of Mr. Jewett, March 29, recommending approval and execution of four Contract-Agreements for Park Land Acquisition Program FY94-Professional Real Estate Title Examination Services - Middlesex, Suffolk, Norfolk and Plymouth Counties. Mr. Jewett further requests that Commissioner Bhatti be authorized to execute the Contract-Agreements on behalf of the Commission.

(The Commission authorized the Contracts on March 10, 1994 - in the amount of $60,000.00).

	VALUE	PARCELS
Edward M. Wheeler	$ 4,600.00	8
Peter E. Flynn, Esq.	$ 2,235.00	6
Tamagini & Bloomenthal, P.C.	$ 8,500.00	9
Lane & Altman	$10,725.00	5

The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Contract-Agreements on behalf of the Commission.

1. Report of Mr. Wright March 29, submitting for approval and signature the annual Contract with the City of Boston pertaining to the Maintenance and operation of the James Michael Curley Recreational Facility, Day Boulevard, South Boston.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract, dated March 31, 1994, with the City of Boston, which was signed by the Commissioner and three Associate Commissioners.

Hearing before the Prequalification Appeal Board:

2. Request of New England Traffic Signals, Inc., appealing the denial of the renewal of its prequalification by the Commission's Prequalification Committee.
The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Office of Real Property:

3. Report of Mr. Gray, March 28, recommending that the Commission adopt an Order of Taking for acquisition of approximately 98.465 acres of land owned by Elsie V. Donaldson, Sandra Bigelow and Linda Bigelow, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $60,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 98.465 acres of land owned by Elsie V. Donaldson, Sandra Bigelow and Linda Bigelow, located in the Town of Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, March 31, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Rutland in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land located off the northwesterly side of Intervale Road north of a New England Power Company right of way and easterly of the East Branch of the Ware River in said Rutland, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel to be described at a stone bound with drill hole set in a corner of stone walls at lands of the Commonwealth, acquired by the Metropolitan District Water Supply Commission;

Thence N 30° 14' 48" W a distance of 1,444.11 feet to another stone bound with drill hole set at another corner of stone walls;

Thence N 29° 38' 26" W a distance of 506.25 feet, mostly by a stone wall, to another stone bound with drill hole set at another corner of stone walls, the western most corner of the parcel;

Thence Turning N 62° 36' 37" E a distance of 978.49 feet to another stone bound with drill hole set at a corner;

Thence Turning N 27° 04' 15" W a distance of 436.82 feet, partially by a stone wall to another stone bound with drill hole set at another corner of stone walls;

Thence Turning N 63° 14' 24" E by a stone wall a distance of 132.77 feet to another stone bound with drill hole set at a corner of stone walls;

Thence Turning N 26° 40' 42" W by a stone wall a distance of 433.20 feet to another stone bound with drill hole set at an angled corner of stone walls;

Thence Turning N 82° 21' 56" E a distance of 162.81 feet to another stone bound with drill hole st at a corner;

Thence Turning N 09° 11' 29" W a distance of 343.91 feet through or near three blazed trees to a drill hole set in a stone wall, at land now or formerly of Theodore H. Curtis and Marilyn B. Curtis, the last eight courses being by land of the Commonwealth, acquired by the Metropolitan District Water Supply Commission and shown upon a plan entitled "Commonwealth of Massachusetts Metropolitan District Water Supply Commission Ware River Watershed Land in Town of Rutland Plan No. W 11 of Land Takings Under Chapter 375 Acts of 1926," dated December 29, 1942 and signed by Karl R. Kennison Chief Engineer. This plan is on file at the Headquarters of the Metropolitan District Commission and is recorded with the plans at the Worcester District Registry of Deeds. The stone bounds described above are numbered on the above cited plan as S B 11 through S B 4 consecutively;

Thence By the stone wall and land now or formerly of the aforementioned Curtis N 73° 04' 28" E a distance of 164.53 feet through two drill holes and ending at the third;

Thence Continuing by the wall and land now or formerly of Curtis N 68° 14' 23" E a distance of 271.70 feet to a fourth drill hole in the wall;

Thence	Continuing by the same wall and property N 68° 25' 44" E a distance of 427.66 feet to a fifth drill hole at a corner of stone walls and a common point on the bounds of lands now or formerly of Donaldson et al, of the prior mentioned Curtis and now or formerly of Robert G. Hatstat and Mary Ann Hatstat;
Thence	Turning S 20° 17' 39" E a distance of 581.15 feet by a stone wall and property now or formerly of Hatstat to a drill hole at a corner of stone walls;
Thence	Turning S 58° 45' 34" passing through a drill hole at the end of the wall and running to a drill hole at the end of another wall a distance of 193.82 feet, this course and the following six southeasterly courses being by land now or formerly of the aforementioned Hatstat;
Thence	Turning and following the stone wall S 33° 47' 38" E past a drill hole to a second drill hole near the intersection of another wall a distance of 410.11 feet;
Thence	Continuing along the wall S 33° 04' 00" E a distance of 284.32 feet to a third drill hole;
Thence	Along the wall S 33° 44' 03" E a distance of 271.36 to a fourth drill hole;
Thence	Along the wall S 33° 49' 23" E a distance of 316.85 feet to a fifth drill hole;
Thence	Following the wall S 34°07' 58" E a distance of 263.46 feet to a sixth drill hole at the intersection of another stone wall at the eastern most corner of the property being described and at land now or formerly of David L. Bigelow and Martha J. Bigelow;
Thence	Turning S 58° 02' 59" W and following the intersected wall a distance of 214.93 feet to a drill hole;
Thence	Along the wall S 63° 15' 13" W a distance of 223.70 feet to another drill hole;
Thence	Along the wall S 61° 30' 38" W a distance of 101.66 feet to another drill hole;
Thence	By the wall S 58° 14' 37" W a distance of 75.92 feet to another drill hole;
Thence	By the wall S 59° 56' 31" W a distance of 99.65 feet to another drill hole;
Thence	Continuing by the wall S 55° 58' 40" W a distance 116.83 feet to another drill hole;

Thence S 61° 09' 07" W by the wall a distance of 103.42 feet to another drill hole;

Thence S 62° 26' 54" W by the wall a distance of 159.23 feet to another drill hole;

Thence To a corner of stone walls S 57° 49' 55" W by the wall a distance of 48.81 feet to another drill hole;

Thence Turning the corner S 29° 46' 32" E a distance of 47.52 feet by this stone wall to a drill hole;

Thence By the wall S 28° 39' 39" E a distance of 420.96 feet to a drill hole near a culvert;

Thence S 28° 15' 46 E by the wall a distance of 201.54 feet to a point on the wall;

Thence By the wall S 30° 27' 49" E passing the next drill hole and ending at the one beyond;

Thence By the wall S 33° 58' 23" E a distance of 84.22 feet to a point on the wall;

Thence S 31° 57' 39" E by the wall a distance of 139.43 feet to a drill hole at the junction of another wall coming in from the southeast and at a point on the common boundary line with land now or formerly of Marion M. Bigelow, Myrtle M. Bigelow and Edna F. Bigelow, the last fourteen (14) courses along the last two stone walls being by land now or formerly of the aforementioned David L. Bigelow and Martha J. Bigelow;

Thence Continuing by the wall on the same course by land now or formerly of the prior mentioned Bigelows a distance of 17.72 feet to a point at another intersection of stone walls and the common point on the boundary line of the parcel being described, land now or formerly of the Bigelows and other land of the Commonwealth;

Thence Along the last mentioned intersecting wall N 56° 21' 00" W by land of the Commonwealth, as acquired by the Metropolitan District Water Supply Commission, a distance of 13.72 feet to stone bound number 13 on the previously cited plan;

Thence By the wall along the same course a distance of 337.35 feet to stone bound number 12 set at an angle;

Thence Turning and running by the stone wall S 60° 07' 15" a distance of 807.34 feet to the first mentioned stone bound and place of beginning, the last three courses being by land of the Commonwealth.

Containing approximately 98.465 acres as shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Rutland (Worcester County), Massachusetts, Land Taking Plan for Watershed Protection," prepared by Beals and Thomas Inc., dated June, 1993, which plan shall be recorded with the Worcester District Registry of Deeds at a later date and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a deed from Elsie V. Donaldson, Sandra Bigelow and Linda Bigelow to the same persons in a deed dated July 13, 1979 and recorded with the Worcester District Registry of Deeds at Book 6787, Page 228.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Elsie V. Donaldson, Sandra Bigelow and Linda Bigelow	$ 60,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $60,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from March 7, 1994 to March 14, 1994.

   Expenditures $364,024.97

2. The following schedules were approved for payment by the Commissioner during the period from March 14, 1994 to March 21, 1994.

   Expenditures $764,801.86

Adjourned at 10:40 a.m., to meet on Thursday, April 7, 1994, at 10:00 a.m.

William F. Crosby
Secretary

Record of the Three Thousand Six Hundred and Eighty Fourth (3684th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, April 7, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Elkort and Settles.

The Records of the Commission Meeting held on March 24, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and two Associate Commissioners:

1. Contract-Agreement, dated April 7, 1994, with Cooperating Association for New England Parks, Inc., for Providing the Services of Interns who will work with Division Staff.

2. First Amendment, dated April 7, 1994, to Contract-Agreement No. P93-1679-S1A, with Adaptive Environment Center, for Accessibility Survey - Recreational Facilities (A.D.A.).

3. Contract-Agreement, dated April 7, 1994, with Friends of Boston Harbor Islands, for Providing Services of Volunteers for George's, Lovell's and Peddock's Islands.

4. Contract-Agreement No. P78-0564-X2A/EOA No. S805-029-01, dated April 7, 1994, with John Elwood, to Prepare the Final Report on the Lower Mystic Lake Saltwater Removal Project.

5. Contract-Agreement No. P82-1112-D2A, dated April 7, 1994, with Hayden/Wegman, for Peddock's Island Pier Replacement.

Action was taken upon the following matters relating to the Engineering and Construction Division:

6. Report of Messrs. Baratta and Jackson, March 22, recommending approval of the request of Northern Tree Service, Inc., General Contractor on Contract No. P82-1034-C1B, Landscape Improvements to Beaver Brook Reservation, to engage the services of the following sub-contractors -

New England Landscape and Irrigation Co., Inc.	**$60,000.00**
for field stone walls and related work	
Andover Engineering, Inc.	**$ 4,000.00**
for field survey and layout	
The Blacksmith Shop	**$ 9,876.00**
for fabrication of frames, railways, bollards and gates	
Dewey Fence	**$42,470.00**
for installation of fences, gates, guardrails and backstop	

The Commission V O T E D: Approved.

7. Report of Messrs. Faucher and Arinella, April 1, 1994, requesting that the Commission amend its vote of June 24, 1993, on Contract No. P91-1612-M1A, with Balfour Engineering Co., Inc., which

approved an extension of time from June 30, 1993 to August 31, 1993, for Service Maintenance and Repair Hydraulic Power Systems, Flood Control Navigational Division, to include increasing the contract value by $15,000.00, from $85,625.00 to $100,625.00. Funds are available in Account No. 2440-0010.
The Commission V O T E D: to amend its vote of June 24, 1993, on Contract No. P91-1612-M1A, with Balfour Engineering Co., Inc., which approved an extension of time from June 30, 1993 to August 31, 1993, for Service Maintenance and Repair Hydraulic Power Systems, Flood Control Navigational Division, to include increasing the contract value by $15,000.00, from $85,625.00 to $100,625.00, as requested by Messrs. Faucher and Arinella in their report of April 1, 1994.

1. Report of Messrs. Faucher and Arinella, February 23, recommending the following on Contract No. P91-1612-M1A, with Balfour Engineering, for Service Maintenance and Repair Hydraulic Power Systems, Flood Control Navigational Division -
(a) That work be accepted as completed as of October 31, 1993.
(b) That Estimate No. 9 (Final), in the amount of $12,892.45, be approved for payment.
(c) That reserve, in the amount of $678.55, be approved for payment.
(Basis of Award - $85,625.00)
(Total to Date - $96,381.00)'
(Contract Administration Rating - 4.166)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Balfour Engineering, Contractor under Contract No. P91-1612-M1A, for Service Maintenance and Repair Hydraulic Power Systems, Flood Control Navigational Division, be and hereby is accepted as completed as of October 31, 1993.
The Commission further V O T E D: to approve Estimate No. 9 (Final), in the amount of $12,892.45, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $678.55, for payment.

2. Report of Messrs. Faucher and Sacco, March 25, recommending approval of the following on Contract No. P80-0826-C1A, with M. DeMatteo Construction Co., for Repairs to Approaches to Huntington Avenue Overpass -

Item No. 005-020	- Gravel Borrow	**- $ 7,562.50**
Item No. 006-010	- Manhole	**- $ 1,610.00**
Item No. 031-030	- 4" Painted Pavement Markings	**- $ 2,240.00**
	Total	**- $11,412.50**

(At no additional contract cost as there are sufficient unused quantities in Item No. 002-010 "Concrete Deck Removal 0" - 2" depth" to offset the revisions).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Lenhardt, March 30, recommending approval of Alteration No. 5, to Item No. 040-060 "Bridge Superstructure", in the amount of $3,228.79, on Contract No P82-1128-C1A, with E T & L Construction Corp., for Replacement of

Aberjona River Bridge.
(At no additional contract cost as there are sufficient unused quantities in Item No. 037-010 "Police Services" to offset the cost of this work).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Lenhardt in their report of March 30, 1994.

1. Report of Messrs. Faucher and Kirwin, April 1, recommending approval to change source of funding on Project No. P93-1666-C1A, for Reconstruction of Traffic Signal Systems - Two Locations, Gallivan Boulevard, Dorchester, from Account No. 2450-1093 to Account No. 2490-8910.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and McCalla, March 30, recommending approval of a revision in quantity on the following item on Contract No. P92-1631-M1A, with Penachio Brothers Electrical Corporation, for Maintenance of Street Lighting Systems on Parkways and Roadways of the MDC -
Item No. 060-010 - Mercury Fixture 400 Watts - **$161.50**
(At no additional cost to the Commission as there are sufficient unused quantities in Item No. 074-010 - Painting Street Lighting Standards, to offset cost of revision).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and McCalla in their report of March 30, 1994.

3. Report of Messrs. Faucher and Traficante, April 4, recommending approval of the following on Contract No. P92-1630-C2A, with Boston Graving Dock Corporation, for Removal of the Tugboats "Luna" and "Venus" from the Charles River Basin -
(a) an extension of time, for administrative purposes only, under the provisions of Article XXII, from December 31, 1993 to May 1, 1994.
(This extension shall in no way effect the liquidated damages in Article No. XXI, that may be due to the Commission and shall not operate as a waiver on the part of the Commission or in any of its rights under the Contract).
(b) Extra Work Order No. 2B, in the not-to-exceed amount of $55,000.00,
for dock rental charges for the tugboat "Luna", for a period of three months and ten days.
(Funds are available in Account No. 2449-7350).
Associate Commissioner Settles requested a definite date be set for the final disposition of the tugboats and expressed his concern regarding the amount of money expended on this project.
Mr. Baratta explained at length the complexities of this project. He noted that although several parties were interested in the tugboats, in order to preserve the vessels, it appears now, that the most viable option is the United States Naval Shipbuilding Museum at the Fore River Shipyard in Quincy. This option is enthusiastically supported by Mayor Sheets of Quincy.
Mr. Baratta assured the Commission that he would have a report prepared for next week's Commission Meeting with a recommended date for disposition.
The Commission V O T E D: to approve an extension of time, for

administrative purposes only, under the provisions of Article XXII, from December 31, 1993 to May 1, 1994, as recommended by Messrs. Faucher and Traficante in their report of April 4, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation and that this extension of time shall in no way effect the liquidated damages in Article No. XXI, that may be due to the Commission and shall not operate as a waiver on the part of the Commission or in any of its rights under the Contract.
The Commission further V O T E D: to approve Extra Work Order No. 2B, in the not-to-exceed amount of $55,000.00, for dock rental charges for the tugboat "Luna", for a period of three months and ten days.

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Robert O'Connor, April 1, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. WM-94-020, for Quabbin Reservoir Electric Deer Fencing.
Estimated Cost $50,000.00.
Account No. 2420-1400-NN.
Associate Commissioner Elkort inquired as to the location of the deer fencing.
Mr. O'Connor responded that the fencing will be installed in the Quabbin Park Area, where deer reduction is prohibited due to public use. He explained that the fencing will keep the deer out this area and allow the trees to grow.
Commissioner Bhatti asked if there was any noticeable change in the growth pattern or significant regeneration of the forest in the past three years since the reduction of the deer population.
Mr. O'Connor responded that a sampling of trees had been taken in the areas where deer reduction had been allowed and positive signs have been noted. He then stated that plans are underway for a more intensive survey this spring.
Commissioner Bhatti asked if a plan for deer reduction this year was being developed.
Mr. O'Connor responded yes.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

2. Report of Ms. Connolly, April 12, submitting for approval 1994 Spring/Summer/Fall Schedules and Fees, for Recreational Facilities in the Metropolitan Parks System.
Commissioner Bhatti noted that this season all swimming pool fees have been eliminated. He then inquired if all other fees, for Recreational Facilities in the Metropolitan Parks System, conform with Administration and Finance guidelines. Acting Secretary Mrs. O'Brien questioned the Division and assured Commissioner Bhatti that they did.

The Commission V O T E D: to approve the 1994 Spring/Summer/Fall Schedules and Fees, for Recreational Facilities in the Metropolitan Parks System as follows:

GOLF COURSES
April 14, 1994 - December 26, 1994
(Ponkapoag will remain open, course conditions and weather permitting)

Fees

Tournaments	- $ 75.00
League Registration	- $ 75.00

*Golf Privilege Card (Good for both Martin & Ponkapoag)

Adult - 7 days/week	- $325.00
Adult - Monday thru Friday (excludes Holidays)	- $250.00
Senior Citizen (65 & older) (Monday thru Friday) (excludes Holidays)	- $130.00
Junior (16 & under) (Monday thru Friday) (excludes Holidays)	- $130.00
June-Sept. Junior (16 & under) (Monday thru Friday) (excludes Holidays)	- $100.00

*The MDC will not be accepting applications for Golf Privilege Cards for the 1994 season.

Daily Greens Fees

Weekday - Adult	- $ 12.00 18 holes
Weekday - Senior Citizen	- $ 5.00 18 holes
Weekday - Junior	- $ 5.00 18 holes
Saturday, Sunday, Holiday - Adult	- $ 14.00 18 holes
Saturday, Sunday, Holiday - Senior Citizen	- $ 12.00 18 holes
Saturday, Sunday, Holiday - Junior	- $ 12.00 18 holes
Twilight Fee	- $ 5.00

BALLFIELDS
May 1, 1994 - October 22, 1994
(Opening 2 weeks later than usual due to weather conditions)

Hours

Lighted Fields	- 8:00 P.M.	- 11:00 P.M.
Non-Lighted Fields	- 8:00 A.M.	- 8:00 P.M.

STADIA (Dilboy, Hormel, Daly)

Rental, First 5 Hours	- $87.00
Each Additional Hour	- $15.00
1-Day Concession Permit @ Dilboy	- $20.00
1-Day Concession Permit @ Hormel and Daly	- $25.00

BEACHES
June 26, 1994 - September 5, 1994

POOLS
June 26, 1994 - September 5, 1994

Swim Instruction (10:00 A.M. - 12:00 Noon - Weekdays)

Public Swimming Hours

Monday-Friday	- 12:00 Noon - 5:00 P.M.	All ages
Monday-Friday	- 5:00 P.M. - 6:00 P.M.	Adult & Special Programs
Saturday & Sunday	- 10:00 A.M. - 6:00 P.M.	

HATCH SHELL
April 23, 1994 - October 22, 1994

SAILING (HARRY McDONOUGH SAILING PROGRAM/PLEASURE BAY/SOUTH BOSTON)
June 26, 1994 - September 5, 1994
7 Days a Week - 10:00 A.M. - 6:00 P.M.

PICNIC AREA PERMIT - $ 3.00.

Hearing before the Prequalification Appeal Board:

1. Request of New England Traffic Signals, Inc., appealing the denial of the renewal of its prequalification by the Commission's Prequalification Committee.
The Commission V O T E D: Held Over.

Adjourned at 11:20 a.m., to meet on Thursday, April 14, 1994, at 10:00 a.m.

William F. Cowdy
Secretary

Record of the Three Thousand Six Hundred and Eighty Fifth (3685th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, April 14, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on March 31, 1994 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher, Haider and Giella, February 4, submitting for approval Work Schedule, Project Summary, Project Justification on Project No. P94-1724-M1A, for Natural Gas Fired Infrared Heating System Installation in the Zamboni Room at the Cronin Arena, Revere, Massachusetts. Due to the urgency of this work, Messrs. Faucher, Haider and Giella also recommend, acceptance of the lowest proposal received, that of Mass. Heating, Inc., in the amount of $3,900.00, and further request that Commissioner Bhatti be authorized to sign the contract on behalf of the Commission.
Estimated Cost $4,500.00.
Account Nos. 2440-0011 and 2440-0100 NN.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Bhatti to sign the contract on behalf of the Commission.

2. Report of Messrs. Faucher and Dipietro, April 1, recommending that the Commission ratify the action taken by the Division and approve the following revisions in quantities, on Contract No. P82-1032-C1A, with Albanese Brothers, Inc., for Sewering of Canton Avenue Sanitary and Blue Hills Police Station.

Item No. 003-010	**$ 7,944.00**
2" PVC Pressure Pipe	
Item No. 003-020	**$ 3,705.00**
1.5" PVC Pressure Pipe	
Item No. 006-010	**$ 6,000.00**
Excavation of Rocks, Boulders and Masonry	
Item No. 017-010	**$ 2,200.00**
Gravel Coarse in MDC Roads	
Item No. 017-030	**$ 2,100.00**
Temporary Pavement	
Total -	**$21,949.00**

(Funds are available in Account No. 2440-7891).
The Commission V O T E D: to ratify the action taken by the Division and approve the revisions in quantities as recommended by Messrs. Faucher and DiPietro in their report of April 1, 1994.

3. Report of Messrs. Faucher, Haider and Giella, April 7, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1739-C1A, for Installation of New Gas Lines and Boiler Systems at the North Central Garage Cluster at the Nahant Central

Garage and at Nahant the Installation of Garage Doors and Sealing other Garage Door Openings.
Estimated cost $150,000.00.
Account No. 2440-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

1. Report of Messrs. Faucher and Terzian, April 6, submitting for approval and execution Joint Funding Agreement with the United States Geological Survey, for Gaging Stations within Charles River and Mystic River Watersheds, for the period From October 1, 1993 to September 30, 1994, at a one half cost to the Commission, MDC share will be $24,700.00. Account No. 2440-0010-TT - FY94. (Contract Funding for FY95 is contingent upon sufficient fund being made available through the annual budgetary appropriation).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Funding Agreement, dated April 14, 1994, with the United States Geological Survey which was signed by the Commissioner and three Associate Commissioners.

2. Report of Mr. Faucher and Mrs. Graves-Jones, April 5, on bids for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC, Contract No. P94-1705-M1A.
Account No. 2444-9001-NN.
(Mr. Faucher and Mrs. Graves-Jones recommend acceptance of the lowest bid received, that of Markings, Inc., of $257,735.23).
The Commission V O T E D: to accept the lowest bid received, that of Markings, Inc., of $257,735.23.

3. Report of Messrs. Baratta and Jackson, April 4, recommending approval of the request of Northern Tree Service, Inc., General Contractor on Contract No. P82-1034-C1B, Landscape Improvements to Beaver Brook Reservation, to engage the services of the following sub-contractors -

Lavoie Horticultural, Inc.	**$30,000.00**
for establishment of new laws and renovation of existing laws	
Murray Paving and Reclamation, Inc.	**$39,000.00**
for bituminous concrete paving and tennis court resurfacing	

The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and DeLuca, March 14, requesting approval of Extra Work Order No. 1, in the amount of $7,316.17, for emergency work to install a new gas fired pool water heater at the Weymouth (Connel) Pool to replace the existing defective heater, on Contract No. P93-1670-M1A, with Allied Weatherproofing Company, Inc., for Service and Repairs to Swimming Pools and Service Building.
(Funds are available in Account No. 2440-0010-NN).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $7,316.17.

5. Report of Messrs. Faucher and DeLuca, March 14, requesting

approval of Extra Work Order No. 2, in the amount of $861.27, for electrical grounding of the Boston (Lee Memorial) Wading pool to protect staff and all facility users, and to comply with Federal, State and Local codes, on Contract No. P93-1670-M1A, with Allied Weatherproofing Company, Inc., for Service and Repairs to Swimming Pools and Service Building.
(Funds are available in Account No. 2440-0010-NN).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $861.27.

1. Report of Messrs. Faucher and Abounaja, March 29, recommending approval of an extension of time from March 31, 1994 to June 30, 1994, on Contract No. P88-1548-C3A, with Dec-Tam Corporation, for Asbestos Abatement at Various MDC Facilities, to complete pending abatement work at various MDC facilities.
The Commission V O T E D: to approve an extension of time from March 31, 1994 to June 30, 1994, as recommended by Messrs. Faucher and Abounaja in their report of March 28, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and Kirwin, March 31, recommending approval of revisions in quantities on the following items on Contract No. P92-1633-M1A, with Tri-State Signal, Inc., for Servicing Traffic Signal & Control Systems, Blue Hills and Old Colony Districts -

Item No. 002-010	**$19,011.00**
Materials, Components, Parts and Controls	
Item No. 003-020	**$ 1,400.00**
Traffic Signal Knockdown Repair	
Item No. 004-010	**$ 1,920.00**
Labor Rate for Licensed Electrician (Controller Tech.)	
Item No. 004-020	**$10,320.00**
Labor Rate for Licensed Electrician (Serviceman)	
Item No. 004-030	**$ 7,000.00**
Labor Rate for Helper for Miscellaneous Repairs	
Item No. 005-010	**$ 2,030.00**
Hourly Rate for Vehicle for Miscellaneous Repairs	
Item No. 007-010	**$ 330.00**
Pedestrian Signal Head Type A	
Item No. 007-020	**$ 370.00**
Pedestrian Signal Head Type B	
Item No. 012-010	**$ 4,000.00**
Communication System and Clerical Work	
Item No. 013-010	**$ 4,000.00**
Storage Room & Engineer's Office	
Item No. 019-010	**$10,000.00**
Traffic Control Services	
Total -	**$60,381.00**

(Funding is available in Account No. 2444-9001-NN).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Kirwin in their report of March 31, 1994.

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1. Report of Messrs. Faucher and Carrigan, April 6, recommending that the Commission ratify and approve the action taken by the Division, regarding the following Revisions in Quantities, on Contract No. P93-1683-C1A, with D & R General Contracting Inc., for Resurfacing of M.D.C. Parkways at Various Locations throughout the Metropolitan District -

SUFFOLK COUNTY

REVISIONS IN QUANTITIES

Item No. 017-010	$ 180.50
8" Reflectorized Pavement Markings Thermoplastic	
Item No. 018-010	$ 170.24
12" Reflectorized Pavement Markings Thermoplastic	
Item No. 022-010	$ 5,337.25
Traffic Control Services	
Total =	$ 5,687.99

(At no additional cost to the Commission as there are sufficient unused quantities in Item No. 025-010 - Cement Concrete Masonry and Item No. 020-010 - Traffic Signal Detector Loops, to offset the cost).

NON SUFFOLK COUNTY

REVISIONS IN QUANTITIES

Item No. 001-010	$ 640.00
Unclassified Excavation	
Item No. 002-010	$ 23,933.80
0" - 4" Cold Planing	
Item No. 004-010	$ 2,400.00
Catch Basins & Manholes Adj. to Grade	
Item No. 007-010	$114,738.00
Bituminous Concrete	
Item No. 009-010	$ 341.70
Bituminous	
Item No. 017-010	$ 650.00
8" Reflectorized Pavement Markings Thermoplastic	
Item No. 018-010	$ 2,549.60
12" Reflectorized Pavement Markings Thermoplastic	
Item No. 022-010	$ 12,000.00
Traffic Control Services	(Lump Sum)
Item No. 027-010	$ 374.90
Rebuilding of Deteriorated C.B.'s or Drop Inlets, Excluding Cost of Casting	
Item No. 031-010	$ 1,125.00
Furnish Frames, Grates and Covers	
Item No. 033-010	$ 1,600.00
Monthly Transportation Vehicle	
Total =	$160,353.00
Funding from unused quantities in **Item No. 019-010**	- $ 981.70
Reflectorized Pavement Symbols & Legends	
Funding Required	$159,371.30

(Funds are available in Account No. 2490-8881).
(Messrs. Faucher and Carrigan further request an extension of time from April 27, 1994 to June 30, 1994, to complete additional work requested by the MDC).
The Commission V O T E D: to ratify and approve the action taken by the Division, regarding the Revisions in Quantities, as recommended by Messrs. Faucher and Carrigan in their report of April 6, 1994.
The Commission further V O T E D: to approve an extension of time from April 27, 1994 to June 30, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and DeLuca, January 25, requesting approval of Extra Work Order No. 2, in the amount of $2,352.88, to remove, dispose and/or store the new piping installed temporarily to re-install the existing filtration system for the season at the Roxbury (Cass) Pool, on Contract No. P93-1662-C1A, with Allied Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools and Service Buildings.
(Funds are available in Account No. 2440-7893).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $2,352.88.

2. Report of Messrs. Faucher and DeLuca, February 26, requesting approval of Extra Work Order No. 3, in the amount of $6,790.32, to electrically ground the Roxbury (Cass) and Brighton/Allston Memorial Swimming Pools to comply with federal, state and local codes and regulations, on Contract No. P93-1662-C1A, with Allied Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools and Service Buildings.
(Funds are available in Account No. 2440-7893).
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $6,790.32.

3. Report of Messrs. Faucher and Brooks, submitting for Commission approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1742-M1A, for Maintenance of Elevators at the M.D.C. Headquarters Building. Estimated Cost for this two year project is $30,000.00.
Account No. 2440-0010 LL - FY95 - $15,000.00.
Account No. 2440-0010 LL - FY96 - $15,000.00.
(Contract funding is contingent upon sufficient funds being made available through the annual budgetary appropriation).
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matter relating to the Watershed Management Division:

4. Report of Messrs. McGinn and Kane, April 8, on bids for Replacement of Transformer's and Standby Generator at Quabbin Hill Tower Facility, Quabbin Reservoir, Ware, Massachusetts, Contract No. WM93-072-C1A. Account No. 2420-1400.

(Messrs. McGinn and Kane recommend acceptance of the only bid received, that of M. L. Schmitt, Inc., of $46,700.00).
The Commission V O T E D: to accept the only bid received, that of M. L. Schmitt, Inc., of $46,700.00.

Action was taken upon the following matters relating to the Recreational Facilities and Programs Division:

1. Report of Miss Connolly, recommending approval and execution of an Agreement with Charles River Recreation, Inc., for the operation of the Charles River Canoe and Kayak Service in the Norumbega Area of the Charles River, for the period from April 1, 1994 to March 31, 1997.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated April 14, 1994, with Charles River Recreation, Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Miss Connolly, April 11, submitting for approval and execution of an Amendment to Contract-Agreement with John F. Neville, Jr., to Provide the Services of a Golf Professional at the Ponkapoag Golf Course, Blue Hills Reservation, Canton.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated April 14, 1994, to Contract-Agreement with John F. Neville, Jr., which was signed by the Commissioner and three Associate Commissioners.

3. Report of Miss Connolly, April 11, submitting for approval and execution of an Amendment to Contract-Agreement with Michael F. Wortis, to Provide the Services of a Golf Professional at the Leo J. Martin Memorial Golf Course, Charles River Reservation, Weston.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated April 14, 1994, to Contract-Agreement with Michael F. Wortis, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matters:

4. Report of Messrs. Baratta and Traficante, April 8, requesting approval of Amendment No. 2, which increases the contract value from $112,321.00 to $115,021.00, an increase of $2,700.00 and authorizes asbestos inspection and monitoring services for work on Watershed Management property, on Contract Number P88-1511-X2A, with ATC Dennison Environmental Services, Inc., for Asbestos Inspection and Monitoring Services at Various MDC Facilities.
(Funds are available in Account No. 2420-1400).
The Commission V O T E D: Approved.

5. Report of Mr. Hedlund, April 7, requesting approval of the recommendations of The Proposal Review Committee, (TPRC), for Parking Lot Operation and Management Services at Nahant, Revere and Nantasket Beach Reservations.

The Commission V O T E D as follows:

NAHANT BEACH

To accept the proposal of Kinney System - Nahant, Inc., as recommended by (TPRC), and award the Contract-Agreement for Operation and Management of the Parking Lot at Nahant, Beach, Nahant,to Kinney System Nahant, Inc., with a flat rent fee of $80,000.00, for the period May 1, 1994 to September 30, 1994 - payable as follows -

On or before May 1, 1994	- $ 8,000.00
On or before June 1, 1994	- $16,000.00
On or before July 1, 1994	- $24,000.00
On or before August 1, 1994	- $24,000.00
On or before September 1, 1994	- $ 8,000.00

REVERE BEACH

To accept the proposal of Square Boston Corporation, as recommended by (TPRC), and award the Contract-Agreement for Operation and Management of the Parking Lot at Revere Beach, Revere, to Square Boston Corporation, with a monthly payment of $2,250.00, for one year beginning May 1, 1994, ending April 30, 1995, totaling $27,000.00.

NANTASKET BEACH

At this point, Mr. Gary S. Kelly of Preferred Parking, Inc., expressed his opposition to the award of the Nantasket Beach Parking Lot Operation and Management Services to Imperial Realty Company, Inc., II. He noted that he prepared and submitted his proposal in compliance with the criteria outlined in the Request for Proposals. He then stated that a proposal for staffing and maintenance of the two restrooms located within the open parking lots along Nantasket Avenue and the bathrooms, located on Nantasket Avenue, between the Carousel Under the Clock and the Captain's Cove Miniature Golf Course, during the summer season was not requested in the Request for Proposals. Therefore, he stated, it was not fair to include this service in the evaluation of Imperial Realty Company, Inc., II.

Mr. Jewett outlined the process used by the Proposal Review Committee (TPRC) which led to the recommendation that Imperial Realty Company, Inc., II, be awarded the Parking Lot Operation and Management Contract.

Mr. Hedlund provided additional information relative to the proposals and commended (TPRC) for their efforts regarding Parking Lot Operation and Management Services at Nahant, Revere and Nantasket Beach Reservations.

Following a lengthy discussion, Associate Commissioner Carr moved that the Commission hold over award of the Contract, for Operation and Management of the Parking Lot at Nantasket Beach, Hull, to Imperial Realty Company, Inc., II, as recommended by (TPRC), pending receipt of an additional report from (TPRC) outlining the process used in evaluating and rating each of the Five Criteria as submitted by the Proposers in response to the Request for Proposals.

Associate Commissioner Carr's motion to Hold Over the item was seconded and approved by the Commission.

Action was taken upon the following matter relating to the Office of Planning:

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1. Report of Mrs. O'Brien and Mr. Krajovic, April 8, requesting authorization for the Planning Division to enter into Contract negotiations with Howe Surveying Associates, Inc., for Contract-Agreement No. PL-92010-S2A, Mapping and Bounding Services for Alewife Reservation and Alewife Brook Parkway.
Total Cost - $21,032.00.
Time for Performance three months from Notice to Proceed.
Account No. 2410-7872.
The Commission V O T E D: to authorize the Planning Division to enter into Contract negotiations with Howe Surveying Associates, Inc., for Contract-Agreement No. PL-92010-S2A, Mapping and Bounding Services for Alewife Reservation and Alewife Brook Parkway.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

2. Report of Mr. Broderick, April 13, requesting that the Commission approve an Amended Attachment B - Budget, in the Contract executed on April 7, 1994, with Cooperating Association for New England Parks, Inc., which decreases the time of Intern Service in the first year and extends the duration in the second year. In addition, provisions will be made to include radios and uniforms for the first year of the Contract-Agreement. The upset limit of the Compensation will remain $56,000.00, for the two year period.
The Commission V O T E D: Approved.

Hearing before the Prequalification Appeal Board:

3. Request of New England Traffic Signals, Inc., appealing the denial of the renewal of its prequalification by the Commission's Prequalification Committee.
The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Office of Real Property:

4. Report of Mr. Gray, April 12, submitting for approval, Work Schedule and Project Summary and Justification, for Open Order Contract No. RP94-0001, for Appraisals for Watershed Land Acquisition FY/94 - Franklin and Worcester Counties.
Cost - $258,942.00.
Account No. 2420-9883, under Section 3 of Chapter 564 of the Acts of 1987 - (Open Space Bond).
The Commission V O T E D: Approved.

5. Report of Mr. Gray, April 12, recommending that the Commission adopt an Order of Taking for acquisition of approximately 48.683 acres of land owned by Donald P. Reutlinger, located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $145,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 48.683 acres of land owned by Donald P. Reutlinger, located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 14, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts, namely:

Two certain parcels of land lying on the northwesterly and southeasterly sides of Daniel Shays Highway - Route 202 southerly of its intersection with Freeman Road and northerly of its intersection with Shutesbury Road in the said Town of New Salem, more particularly bounded and described as follows:

Parcel 1.

Beginning at a concrete bound set on the southeasterly layout line of Daniel Shays Highway, at or near the remains of a stone wall and at land now or formerly of Frederick C. and Margaret A. Dugan, said bound being at the southwesterly corner of the parcel being described;

THENCE northeasterly by a curve, with a radius of 1,106.26 feet, a distance of 874.39 feet, along the southeasterly layout line of the said Shays Highway to a concrete bound found at other land claimed to be owned by Donald P. Reutlinger;

THENCE S. 54° 43' 52" E., a distance of 731.62 feet, passing through a stone wall at an angle, to a concrete bound set;

THENCE S. 54° 51' 46" E., a distance of 118.16 feet to yet another concrete bound set;

THENCE N. 86° 15' 35" E., a distance of 153.01 feet to a concrete bound set on the observed westerly sideline of Whitaker Road, the last three courses being by other land claimed to be owned by Donald P. Reutlinger;

THENCE S. 00° 54' 14" W., by the westerly side of Whitaker Road, a distance of 50.51 feet to a point at or near a stone wall at land now or formerly of Garrick P. and Margaret A. Doherty, said point being the southeasterly corner of the parcel being herein described;

THENCE S. 83° 33' 11" W., a distance of 178.30 feet to an iron pipe set;

THENCE S. 77° 02' 51" W., a distance of 78.49 feet to a concrete bound set;

THENCE S. 83° 43' 26" W., a distance of 147.77 feet, mostly by a stone wall, to a drill hole set in the wall;

THENCE S. 85° 57' 32" W., by the stone wall a distance of 80.40 feet to another drill hole set in the wall;

THENCE S. 79° 23' 50" W., still by the stone wall, a distance of 105.43 feet to another drill hole set in the wall;

THENCE S. 84° 07' 28" W., still by the stone wall, a distance of 117.93 feet to a concrete bound set in a pile of stones at land now or formerly of Barbara D. and John A. Farrington, the last six courses being by land now or formerly of Doherty;

THENCE S. 82° 21' 56" W., by stone wall remnants and lands now or formerly of Farrington, and Dugan, respectively, a distance of 523.20 feet to the first mentioned bound and place of beginning.

Containing 9.415 acres, more or less, as shown upon a plan referenced at the conclusion of the description of Parcel 2 below.

Parcel 2.

Beginning at a concrete bound set in the northwesterly layout line of Daniel Shays Highway - Route 202, at land now or formerly of Barbara D. and John A Farrington, said bound being located S. 82° 02' 03 W., a distance of 82.84 feet from the first and last mentioned bound in the description of Parcel 1 above;

THENCE S. 82° 01' 55" W., a distance of 255.54 feet to a concrete bound set at a corner;

THENCE S. 08° 01' 30" E., a distance of 126.52 feet to a concrete bound set at another corner at land now or formerly of Farrington and land now or formerly of Roderick A. Raubeson and Lorraine R. Flye, the last two courses being by land now or formerly of Farrington;

THENCE N. 82° 03' 31" W., a distance of 843.28 feet to a drill hole set at the westerly end of a stone wall remnant, and at or near the right of way reserved to Alfred O. Ohlson;

THENCE N. 80°23' 19" W., a distance of 569.68 feet to a concrete bound found at land now or formerly of Jean Stabell and Judy McLamb, the last two courses being by land now or formerly of Raubeson and Flye;

THENCE N. 03° 11' 47" E., a distance of 300.38 feet, mostly by a stone wall, to a concrete bound set at the end of the wall and land now or formerly of Alfred O. Ohlson, this course being by land now or formerly of McLamb and Stabell;

THENCE N. 89° 13' 40" E., a distance of 490.27 feet along and by a stone wall and a stone wall remnant, recrossing the right of way reserved to Ohlson, to a concrete bound set at the intersection of stone walls and at land now of the Commonwealth of Massachusetts, formerly of Powers, this course being by land now or formerly of Ohlson;

THENCE N. 87° 52" 45" E., a distance of 296.47 feet to a concrete bound set at the end of a stone wall segment;

THENCE N. 89° 14' 20" E., a distance of 446.93 feet by and through the wall segment to a concrete bound set at a corner;

THENCE N. 08° 06' 42" W., a distance of 330.00 feet along a wire fence and across a brook to a concrete bound set;

THENCE N. 81° 53' 18" E., a distance of 66.00 feet to another concrete bound set;

THENCE N. 08° 06' 42" W., a distance of 317.04 feet partially by a stone wall to a concrete bound set at the juncture of stone walls;

THENCE continuing by the stone wall on the same bearing a distance of 336.56 feet to a concrete bound set at a point in the wall;

THENCE N. 10° 57' 31" W., a distance of 301.05 feet to a bound found set at the corners of two adjoining lots formerly held by Leonard P. and Claire Y Powers, and by Lot Dennis and Thomas S. Mann, Jr. respectively, now both of the Commonwealth of Massachusetts, the last seven courses being by the land formerly of Powers;

THENCE N. 08° 13' 06" W., a distance of 418.27 feet partially by and along the stonewall to a concrete bound set at the northwesterly corner of the property being described at land of the Commonwealth and unclaimed land of owner unknown, this course being by land formerly of Dennis and Mann as cited above;

THENCE N. 84° 00' 49" E., a distance of 68.73 feet by land of owners unknown to a point at land now or formerly of David R. Drake;

THENCE by the same bearing and land now or formerly of Drake a distance of 331.27 feet to a concrete bound set at other land claimed to be owned by Reutlinger;

THENCE S. 11° 23' 41" E., a distance of 685.67 feet to a bound set at the end of a stone wall;

THENCE S. 49° 05' 42' E., a distance of 808.02 feet to a concrete bound set on the northwesterly sideline of Daniel Shays Highway - Route 202, the last two courses being by other land claimed to belong to Donald P. Reutlinger;

Thence S. 49° 15' 22" W., a distance of 220.51 feet by the highway to a bound found;

THENCE southwesterly by the highway layout and a curve with a radius of 1,186.28 feet a distance of 937.63 feet to the first mentioned bound and place of beginning.

Containing 39.268 acres, more or less, as shown on a plan entitled, "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, New Salem (Franklin County) Massachusetts, Land Taking Plan for Watershed Protection," prepared by Almer Huntley, Jr. and Associates, Inc., dated July 12, 1993, which plan shall either be recorded with Franklin County Registry of Deeds with this order, or at a later date, and made part of this order.

Parcel 1 and Parcel 2 together comprise 48.683 acres, as shown on said plan.

Excepted and excluded from this order of taking are the rights granted to Alfred O. Ohlson, his heirs and assigns for "ingress, egress and regress to his property'" over, across and through the land described as part of Parcel 2 above, as granted to him by Donald P. Reutlinger in an instrument dated June 6, 1979, and recorded with said Deeds in Book 1582, Page 74.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, being a portion of the same premises supposed to have been described and conveyed from Donald P. Reutlinger and Dagmar E. Reutlinger to Donald P. Reutlinger by deed dated November 2, 1978, and recorded with Franklin County Registry of Deeds in Book 1562, Page 98, and also including any interest in said Daniel Shays Highway which may be held by said record owner.

The above described premises are represented upon Town of New Salem Tax Maps as portions of Lots 25 and 80 on Map 404.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission expressly grants Donald P. Reutlinger the right of access and egress over that road shown on said plan at the northeasterly corner of Lot 2 and situated at the bound set on the northwesterly sideline of Daniel Shays Highway (Route 202), and running roughly parallel to that boundary line totaling 808.02 feet, extending up and to the second stone wall as shown on said plan, for purposes of establishing, maintaining, and, if required by local authorities, widening and improving, a right of way to the remaining property of said Donald P. Reutlinger.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Donald P. Reutlinger	$ 145,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $145,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, April 12, recommending that the Commission adopt an Order of Taking for acquisition of approximately 37.722 acres of land owned by John Christian Kristoff, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $205,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 37.722 acres of land owned by John Christian Kristoff, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 14, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel on the northerly sideline of Muddy Pond Road in said Sterling, bounded and described as follows:

Beginning at an MDC concrete bound on the northerly sideline of Muddy Pond Road at the southwesterly corner of the parcel, said point also being the southeasterly corner of land of the Commonwealth of Massachusetts, known as the "Hosmer Lot";

Thence N 29° 18' 11" E along land of the Commonwealth a distance of 78.76 feet to an iron pin;
Thence N 60° 48' 11" E along land of the Commonwealth a distance of 99.00 feet to an iron pin;
Thence N 50° 48' 11" E along land of the Commonwealth a distance 120.78 feet to an iron pin;
Thence N 24° 41' 49" W along land of the Commonwealth a distance of 132.00 feet to an iron pin;

Thence N 41° 18' 11" E along land of the Commonwealth a distance of 189.75 feet to an MDC concrete bound;

Thence N 70° 21' 49" W along land of the Commonwealth a distance of 272.25 feet to an iron pin;

Thence N 04° 41' 49" W along land of the Commonwealth a distance of 387.75 feet to and MDC concrete bound;

Thence N 59° 44' 19" W along land of the Commonwealth a distance of 42.90 to an MDC concrete bound;

Thence S 43° 48' 11" W along land of the Commonwealth a distance of 759.00 feet to a stone bound;

Thence N 07° 15' 54" E along land of the Commonwealth a distance of 449.63 feet to a stone bound;

Thence N 41° 05' 38" E along land of the Commonwealth a distance of 343.25 feet to a stone bound;

Thence N 38° 09' 54" along land of the Commonwealth a distance of 1,021.54 feet to a stone bound;

Thence S 57° 44' 49" E along land now or formerly of Christian M. Kristoff, Jr., a distance of 132,00 feet to an MDC concrete bound;

Thence S 72° 41' 49" E along land of said Christian M. Kristoff, Jr., a distance of 128.70 feet to an MDC concrete bound;

Thence S 25° 18' 11" W along land of said Christian M. Kristoff, Jr., a distance of 283.80 feet to and MDC concrete bound;

Thence S 60° 41' 49" E along land of said Christian M. Kristoff, Jr., a distance of 543.46 feet to an MDC concrete bound;

Thence S 25° 18' 11' W along land of said John Christian Kristoff, a distance of 154.59 feet to an MDC concrete bound;

Thence N 75° 48' 11" W along land of said John Christian Kristoff, a distance of 429.00 feet to an MDC concrete bound;

Thence S 33° 01' 56" W along land of said Christian M. Kristoff, Jr., a distance of 165.00 feet to a point in Muddy Pond;

Thence S 11° 10' 56" W along land of said Christian M. Kristoff, jr., a distance of 429.00 feet to an MDC concrete bound;

Thence S 36° 10' 56" W along land of said Christian M. Kristoff, Jr., a distance of 247.50 feet to an MDC concrete bound;

Thence S 22° 19' 04" E along land of said Christian M. Kristoff, Jr., a distance of 198.00 feet to an MDC concrete bound on the northerly sideline of Muddy Pond Road;

Thence Along the northerly sideline of Muddy Pond Road along a curve to the right with a radius of 1,866.94 feet for a distance of 194.40 feet to a Worcester County Highway bound;

Thence S 75° 18' 00" W along the northerly sideline of Muddy Pond Road for a distance of 514.32 feet to a railroad spike in the crotch of a tree;

Thence Along the northerly sideline of Muddy Pond Road along a curve to the left with a radius of 2,830.00 feet for a distance of 298.00 feet to an MDC concrete bound;

Thence Along the northerly sideline of Muddy Pond Road along a curve to the right with a radius of 1,884.39 feet for a distance of 82.71 feet to the point of beginning.

Containing 37.722 acres, more or less, and being shown on a plan entitled "Land Taking Plan for Watershed Protection, Sterling, (Worcester County) Massachusetts, Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management," dated June 28, 1993, and prepared by Land Planning Engineering & Survey, which shall be recorded at a later date with the Worcester District Registry of Deeds and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the property described in a deed from Catherine Kristoff a.k.a. Catherine A. Kristoff to John Christian Kristoff, dated June 1, 1986, and recorded with said Deeds in Book 9781, Page 27, and also including any interest in said Muddy Pond Road which may be held by the owner of record.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
John Christian Kristoff	$ 205,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $205,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, April 13, recommending that the Commission adopt an Order of Taking for acquisition of approximately 51.57 acres of land owned by James T. Angelos, Trustee of Charnock Hill Realty Trust, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $240,350.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 51.57 acres of land owned by James T. Angelos, Trustee of Charnock Hill Realty Trust, located in the Town of Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 14, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Rutland in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain parcels of land on the easterly sideline of Charnock Hill Road in the Town of Rutland, being shown as Lot A-1 comprising approximately 51.37 acres and Lot B comprising approximately 0.2 acre or 8,663 square feet, on a plan of land entitled "Subdivision Plan of Land Located in Rutland Owned by Charnock Hill Realty Trust", dated November 3, 1988, and recorded with Worcester District Registry of Deeds in Plan Book 618, Plan 95, said lots as shown on said plan together comprising approximately 51.57 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee or other interest in Charnock Hill Road which may be held by the supposed owner, and being a portion of the same premises described in a deed from Louise O. Chrysostom et al to James T. Angelos, Trustee of Charnock Hill Realty Trust, dated October 27, 1987, and recorded with said Deeds in Book 10931, Page 387.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
James T. Angelos, Trustee of Charnock Hill Realty Trust	$ 240,350.00

The Commission further V O T E D: to approve an award of damages in the amount of $240,350.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from March 21, 1994 to March 28, 1994.

Expenditures $506,206.76

Adjourned at 12:30 p.m., to meet on Thursday, April 28, 1994, at 10:00 a.m.

William F. Cusick
Secretary

Record of the Three Thousand Six Hundred and Eighty Sixth (3686th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, April 28, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on April 7, 1994 were read and approved. Associate Commissioner Carr noting that he was not at the Commission Meeting of April 7, 1994, abstained from voting on this matter.

The Secretary submitted for signature the following papers which were signed by the Commission and three Associate Commissioners:

1. Contract No. P93-1689-C1A, dated April 28, 1994, with Riteway Steel, Inc., for Mass. Ave./Harvard Bridge Girder Repairs.

2. Contract No. P94-1705-M1A, dated April 28, 1994, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the M.D.C.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Soroka, April 6, recommending the following on Contract No. P93-1665-C1A, with Coviello Electric & General Contracting Co., Inc., for Construction and Reconstruction of Traffic Signal Systems Three Locations, Brighton, Massachusetts -
(a) That work be accepted as completed as of October 31, 1993.
(b) That Estimate No. 5F (Final), in the amount of $11,467.50, be approved for payment.
(c) That reserve, in the amount of $6,464.34, be approved for payment.
(Basis of Award - $187,435.00)
(Total to Date - $183,198.90)
(Contract Administration Rating - 4.00)
(EEO Compliance - 3.50)
The Commission V O T E D: that the work of Coviello Electric & General Contracting Co., Inc., Contractor under Contract No. P93-1665-C1A, for Construction and Reconstruction of Traffic Signal Systems Three Locations, Brighton, Massachusetts, be and hereby is accepted as completed as of October 31, 1993.
The Commission further V O T E D: to approve Estimate No. 5F (Final), in the amount of $11,467.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $6,464.34, for payment.

4. Report of Messrs. Faucher and Soroka, April 11, recommending the following on Contract No. P92-1634-M1A, with New England Traffic Signals Co., Inc., for Servicing Traffic Signals and Control Systems, Charles River Basin Districts -
(a) That work be accepted as completed as of January 31, 1994.
(b) That Estimate No. 23 (Final), in the amount of $10,824,52, be approved for payment.

(c) That reserve, in the amount of $4,306.53, be approved for payment.
(Basis of Award - $354,490.00)
(Total to Date - $334,632.31)
(Contract Administration Rating - 2.30)
(EEO Compliance - 1.66)

The Commission V O T E D: that the work of New England Traffic Signals Co., Inc., Contractor under Contract No. P92-1634-M1A, for Servicing Traffic Signals and Control Systems, Charles River Basin Districts, be and hereby is accepted as completed as of January 31, 1994.
The Commission further V O T E D: to approve Estimate No. 23 (Final), in the amount of $10,824.52, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $4,306.53, for payment.

1. Report of Messrs. Faucher and McCalla, March 30, recommending the following on Contract No. P92-1631-M1A, with Penachio Brothers Electrical Corporation, for Maintenance of Street Lighting Systems on Parkways and Roadways of the Metropolitan District Commission -
(a) That work be accepted as completed as of January 31, 1994.
(b) That Estimate No. 23 (Final), in the amount of $23,835.17, be approved for payment.
(c) That reserve, in the amount of $5,651.45, be approved for payment.
(Basis of Award - $525,425.60)
(Total to Date - $526,029.08)
(Contract Administration Rating - 3.80)
(EEO Compliance - 2.75)

The Commission V O T E D: that the work of Penachio Brothers Electrical Corporation, Contractor under Contract No. P92-1631-M1A, for Maintenance of Street Lighting Systems on Parkways and Roadways of the Metropolitan District Commission, be and hereby is accepted as completed as of January 31, 1994.
The Commission further V O T E D: to approve Estimate No. 23 (Final), in the amount of $23,835.17, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,651.45, for payment.

2. Report of Messrs. Faucher and Sacco, April 15, recommending approval of revisions in quantities on the following items on Contract No. P80-0826-C1A, with M. DeMatteo Construction Co., for Repairs to Approaches to Huntington Avenue Overpass -

Item No. 013-030 - Dense Binder	-	$1,020.00
Item No. 017-010 - 5' Chain Link Fence	-	$2,700.00
Total	-	$3,720.00

(Cost will be offset by unused quantities in Item No. 002-010 - Concrete Deck Removal - 0" - 2" depth).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Sacco in their report of April 15, 1994.

3. Report of Messrs. Baratta and Jackson, April 20, recommending approval of the request of Northern Tree Service, Inc., General Contractor on Contract No. P82-1034-C1B, for Landscape

Improvements to Beaver Brook Reservation to engage the services of W. L. French Corp., as sub-contractor, for Demolition of Concrete Pool, at a cost of $5,500.00.
Commissioner Bhatti questioned if the replacement pool will be available for the summer season. He then requested that Mr. Jackson, who was unavailable for the Commission meeting, submit a status report on the new pool.
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and DeLuca, April 13, on bids for Services and Repairs to Swimming Pools and Service Buildings within the Metro Parks System, Contract No. P94-1722-M1A.
Account No. 2440-0010-NN.
(Messrs. Faucher and DeLuca recommend acceptance of the only bid received, that of Allied Weatherproofing Co., Inc., of $289,520.00 - corrected to $290,320.00).
Associate Commissioner Carr spoke of the continued lack of responsiveness on the part of Allied Weatherproofing in submitting administrative paper work.
He noted that at the Commission meeting of March 18, 1993, Mr. John Stow, President of Allied Weatherproofing Company, admitted that he was delinquent in submitting paper work on prior contracts. At that time, Mr. Stow assured the Commission that in the future he would submit paper work in a timely manner.
Associate Commissioner Carr then asked that the Division continue to document Allied Weatherproofing's responsiveness in submitting paper work. If necessary, he stated, forward the information to the Division of Capital Planning and Operation (DCPO), the pre-qualifying agency.
The Commission V O T E D: to accept the only bid received, that of Allied Weatherproofing Co., Inc., of $290,320.00.

2. Report of Messrs. Faucher and DeLuca, April 21, on bids for Critical Repairs to MDC Swimming Pools and Service Buildings, Contract No. P94-1723-C1A.
Account Numbers 2440-7893, 2440-8887 and 2440-8798.
(Messrs. Faucher and DeLuca recommend acceptance of the lowest bid received, that of CCM Corporation of $422,924.00 - corrected to $423,244.00).
The Commission V O T E D: to accept the lowest bid received, that of CCM Corporation of $423,244.00.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Mr. McGinn, April 21, requesting approval and execution of Contract No. WM94-061-X1A, with U. S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, for Gull Control Service, at Wachusett Reservoir.
Cost - $2,638.00.
Account No. 2420-1400-JJ.
Associate Commissioner Elkort noting that the chemicals used to control the gulls might have an adverse effect on the animals in the area, abstained from voting on the Contract.
The Commission V O T E D: Approved.

The Secretary then submitted for signature Contract No. WM94-061-X1A, dated April 28, 1994, with U. S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control, for Gull Control Service, at Wachusett Reservoir, which was signed by the Commissioner and two Associate Commissioners.
Associate Commissioner Elkort abstained from voting and signing the Contract.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

1. Report of Mr. Broderick, April 22, on proposals for the services of a helicopter to assist MDC staff photographers in documenting seawall deterioration of the Boston Harbor Islands.
Account No. 2440-8889).
(Mr. Broderick recommends that the project be awarded to The Camera Center at a cost of $475.00 per hour for two hour flight at a total cost of $950.00).
The Commission V O T E D: Approved as recommended by Mr. Broderick in his report of April 22, 1994.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

2. Report of Miss Connolly, April 22, submitting for approval and execution an Agreement with Charles River Recreation, Inc., for a second year trial canoe and kayak service, in the Charles River Basin, near the Herter Center, Brighton, for the period May 1, 1994 to October 12, 1994.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated April 28, 1994, with Charles River Recreation, Inc., which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matters relating to the Office of Planning:

3. Report of Mr. Driscoll, April 12, requesting approval of the request of Charles/West Boat Lines to raise ticket prices on its cruise service from Moody Street Dock, Waltham to Charles River Canoe Center, Newton and return - as follows -

	FARES	
Adults	-	from $6.00 to $7.00
Children Under 15	-	from $4.00 to $5.00
Children Under 3	-	remains free
Senior Citizens	-	from $5.00 to $6.00

The Commission V O T E D: Approved as requested by Mr. Driscoll in his report of April 12, 1994.

4. Report of Mrs. O'Brien, April 26, requesting approval of an extension of time from June 30, 1994 to June 30, 1997, on Interdepartmental Service Agreement (ISA) between the Metropolitan District Commission and the Massachusetts Highway Department, for the mitigation projects resulting from

construction of the Central Artery/Third Harbor Tunnel Project and further requesting authorization for Commissioner Bhatti to execute the ISA on behalf of the Commission.
(At no increase in ISA cost of $1,750,860.00).
The Commission V O T E D: to approve an extension of time from June 30, 1994 to June 30, 1997, on Interdepartmental Service Agreement (ISA) between the Metropolitan District Commission and the Massachusetts Highway Department, for the mitigation projects resulting from construction of the Central Artery/Third Harbor Tunnel Project, at no increase in ISA cost of $1,750,860.00.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the ISA on behalf of the Commission.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, April 22, submitting for approval, Work Schedule and Project Summary and Justification, for Open Order Contract No. RP94-0002, for Title Examinations for Watershed Land Acquisition FY/94 - Worcester and Franklin Counties.
Cost $24,840.00.
Account No. 2420-9883, under Section 3 of Chapter 564 of the Acts of 1987 - (Open Space Bond).
The Commission V O T E D: Approved.

2. Report of Mr. Gray, April 23, recommending that the Commission adopt an Order of Taking for acquisition of approximately 66.024 acres of land owned by Gerald E. Merrill, Trustee, 62-68 Realty Trust, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $440,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 66.024 acres of land owned by Gerald E. Merrill, Trustee, 62-68 Realty Trust, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 28, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated on the southeasterly sideline of Barre Turnpike (Route 62) and on the northwesterly sideline of Worcester Road (Route 68) in the Town of Hubbardston, and shown as Lots A, B, C and D on a plan entitled "Asnacomet Woods, Plan of Land in Hubbardston, MA," dated June 1, 1988, prepared by HMM Engineers, Inc., and recorded with Worcester District Registry of Deeds as Plan 60 in Plan Book 613, said lots together comprising approximately 67.86 acres, but expressly excluding from the premises taken hereby that portion of said Lot A shown as Lot A-5 and comprising 1.836 acres on a plan entitled "Plan of Lots prepared for 62/68 Realty Trust in Hubbardston, MA," dated April 6, 1992, prepared by Szoc Surveyors, and recorded with said Deeds as Plan 115 in Plan Book 662, which Lot A-5 was conveyed by Gerald E. Merrill, Trustee of 62-68 Realty Trust, to Mark Cote, by deed dated September 17, 1992, and recorded with said Deeds in Book 14532, Page 105.

Containing approximately 66.024 acres, according to said plans.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Barre Turnpike (Route 62) and Worcester Road (Route 68) which may be held by the supposed owner, and being a portion of the same premises described in a deed from Michael A. Cappuccio, et ux, to Henry W. Beth, Trustee of 62-68 Realty Trust, dated April 3, 1987 and recorded with Worcester District Registry of Deeds in Book 10345, Page 184.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Gerald E. Merril, Trustee of 62-68 Realty Trust	$ 440,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $440,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Action was taken upon the following Various Matters:

1. Report of Mr. Hedlund, April 7, requesting approval of the recommendation of The Proposal Review Committee, for Parking Lot Operation and Management Services at Nantasket Beach Reservation. The Commission V O T E D: Held Over.

2. Report of Mr. Jewett, April 25, recommending approval of and authorization for Commissioner Bhatti to execute the following ten (10) Contracts for Watershed Land Acquisition Program FY94 - Professional Real Estate Appraisal Services - Open Order No. RP94-0001 - Wachusett Reservoir, Ware River and Quabbin Reservoir Watershed Areas.
Estimated Cost $258,942.00.
Account No. 2420-9883.

NAME	VALUE	PARCELS
Winthrop Real Estate Advisors 50 Congress Street, Suite 944 Boston, MA 02109	$39,100.00*	9
Reynolds Company 420 Washington Street, Suite 404 Braintree, MA 02184	$47,118.00*	14
Leo M. Flynn 275 Cabot Street Beverly, MA 01915	$31,545.00*	10
Peter S. Emerson & Associates 385 Main Street Wakefield, MA 01880	$54,860.00*	20
Hunneman Appraisal & Consulting Co. 70-80 Lincoln Street Boston, MA 02111	$ 1,925.00	2
Meredith & Grew, Incorporated 160 Federal Street Boston, MA 02110-1701	$ 6,500.00	3
O'Connor Real Estate Assoc., Inc. 48 Franklin Street P.O. Box 1211 Westfield, MA 01086	$31,725.00	10
Abigail A. Burns 14 Beacon Street Boston, MA 02108-3704	$ 2,000.00	2
Whittier Partners 155 Federal Street Boston, MA 02110	$ 7,419.00	6
Casey and Dennis 14 Beacon Street Boston, MA 02108	$36,750.00*	11

* (Denotes Contract value includes relocation services)
The Commission V O T E D: Approved as recommended by Mr. Jewett in his report of April 25, 1994.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Contracts on behalf of the Commission.

1. Report of Mr. Jewett, April 25, recommending approval of and authorization for Commisioner Bhatti to execute, on behalf of the Commission, the following four (4) Contracts for Watershed Land Acquisition Program FY94 - Professional Real Estate Title Examination Services, Quabbin, Wachusett, Ware River Watershed Areas, Worcester and Franklin Counties.
Account No. 2420-9883.
Cost $24,840.00.

NAME	VALUE	PARCELS
Brundrett & Moutinho Baybank Tower Suite 904 1500 Main Street P. O. Box 15327 Springfield, MA 01115-5327	$8,050.00	8
Law Offices of Peter E. Flynn, P.C. 78 Essex Street Saugus, MA 01906	$2,970.00	7
Nelson and O'Connell Title Company, Inc. 124 Main Street Worcester, MA 01608	$9,000.00	6
George S. Norton, Esquire 140 Windermere Road Auburndale, MA 02166	$4,820.00	5

The Commission V O T E D: Approved as recommended by Mr. Jewett in his report of April 25, 1994.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Contracts on behalf of the Commission.

Hearing before the Prequalification Appeal Board:

2. Request of New England Traffic Signals, Inc., appealing the denial of the renewal of its prequalification by the Commission's Prequalification Committee.
The Commission V O T E D: to dismiss the matter without prejudice.

3. At this point, Mr. Jewett requested that the Commission authorize Commissioner Bhatti to execute, on behalf of the Commission, the Contract-Agreements awarded at the Commission Meeting of April 14, 1994, for Parking Lot Operation and Management Services at Nahant Beach, to Kinney System - Nahant, Inc., and Revere Beach to Square Boston Corporation.

The Commission V O T E D: to authorize Commissioner Bhatti to execute the Contract-Agreements on behalf of the Commission.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from March 28, 1994 to April 4, 1994.

   Expenditures $3,444,440.16

2. The following schedules were approved for payment by the Commissioner during the period from April 4, 1994 to April 11, 1994.

   Expenditures $428,640.71

Adjourned at 12:35 p.m., to meet on Thursday, May 5, 1994, at 10:00 a.m.

William F. Crosbolm
Secretary

Record of the Three Thousand Six Hundred and Eighty Seventh (3687th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, May 5, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on April 14, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract No. P94-1722-M1A, dated May 5, 1994, with Allied Weatherproofing Co., Inc., for Service and Repairs to Swimming Pools and Service Buildings within the Metro Parks System.

2. Contract No. P84-1723-C1A, dated May 5, 1994, with CCM Corporation, for Critical Repairs to Swimming Pools and Service Buildings.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Arinella, April 21, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1740-M1A, for Service, Maintenance and Repair or Replace Heating, Ventilating and Air Conditioning Systems, Locks, Draws and Dams.
Estimated Cost - $80,000.00 - FY95 - $40,000.00
FY96 - $40,000.00
Funding for FY95 and FY96 is contingent upon sufficient funds being made available through the annual Budgetary Appropriation process.
Account No. 2440-0010-NN.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

4. Report of Messrs. Faucher and Abounaja, April 25, recommending approval of Contract No. P94-1744-D1A, with Rizzo Associates Inc., for Engineering Services and Remedial Response Action for the Former Underground Fuel Storage Site, Breakheart Reservation.
Amount Not to Exceed $30,000.00 - Cost plus fixed fee basis.
Time for Performance estimated as six months.
Account No. 2490-8915.
The Commission V O T E D: Approved.

5. Report of Messrs. Faucher, Haider and Giella, April 28, on bids for Roof Replacement at the North Central Garage Cluster, Stoneham, Contract No. P94-1731-C1A.
Account No. 2490-8881.
(Messrs. Faucher, Haider and Giella recommend acceptance of the lowest bid received, that of Tar-Vel Roofing Co., Inc., of $131,000.00).

The Commission V O T E D: to accept the lowest bid received, that of Tar-Vel Roofing Co., Inc., of $131,000.00.

1. Report of Messrs. Faucher and Sacco, April 35, recommending approval and ratification of the action taken by the Deputy Director in directing the Contractor, J. F. White Contracting Company, on Contract No. P82-1047-C1A, for Rehabilitation of General Edwards Bridge, Lynn and Revere, to undertake the following -

Extra Work Order No. 14	**$12,186.35**
Rebolting of Draw Span Leaves	
Extra Work Order No. 15	**$35,685.00**
Additional Electrical Components	
Revision in Quantities	**$12,000.00**
Item No. 88 - Engineers Field Office	
Total -	**$59,871.35**

Account No. 2490-8881.
The Commission V O T E D: to approve Extra Work Order No. 14, in the amount of $12,186.35.
The Commission further V O T E D: to approve Extra Work Order No. 15, in the amount of $35,685.00.
The Commission further V O T E D: to approve the Revisions in Quantities, in the amount of $12,000.00, as recommended by Messrs. Faucher and Sacco in their report of April 25, 1994.

2. Report of Messrs. Faucher and Sacco, April 25, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P94-1741-M1A, for General Edwards Bridge Maintenance Contract, Revere/Lynn.
Estimated Cost - $50,000.00 - FY95 - $25,000.00
FY96 - $25,000.00
Funding for FY95 and FY96 is contingent upon sufficient funds being made available through the Annual Budgetary Appropriation Process. Account Nos. 2440-0010-NN and 2444-9001-NN.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

3. Report of Messrs. Faucher and DiPietro, April 25, recommending approval of an extension of time from May 11, 1994 to June 30, 1994, on Contract No. P82-1032-C1A, with Albanese Brothers, Inc., for Sewering of Canton Avenue Sanitary and Blue Hills Police Station.
(At no additional contract cost).
The Commission V O T E D: to approve an extension of time from May 11, 1994 to June 30, 1994, as recommended by Messrs. Faucher and DiPietro in their report of April 25, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher and Higgott, April 11, recommending the following on Contract No. P82-0A04-C2A, with D. F. Frangioso & Co., Inc./D. R. Equipment Co., for United Waste Co. Dam, Mother Brook, Dedham - Phase II Repairs -
(a) That work be accepted as completed as of December 30, 1993.

(b) That Estimate No. 11F (Final), in the amount of $1,418.61, be approved for payment.
(c) That reserve, in the amount of $4,361.71, be approved for payment.
(Basis of Award - $342,050.00)
(Total to Date - $430,198.51)
(Contract Administration Rating - 5.00)
(EEO Compliance - 4.60)

The Commission V O T E D: that the work of D. F. Frangioso & Co., Inc./D. R. Equipment Co., be and hereby is accepted as completed as of December 30, 1993.
The Commission further V O T E D: to approve Estimate No. 11F (Final), in the amount of $1,418.61.
The Commission further V O T E D: to approve release of reserve, in the amount of $4,361.71, for payment.

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Mr. McGinn, April 28, requesting approval to engage the services of nine rain gauge oberservers, at a cost of $180.00 per observer, for Fiscal Year 1995. Total Cost $1,620.00, as follows -

QUABBIN	WACHUSETT
Arthur Coolidge	John T. Flanagan, Jr.
Doris E. Cornwell	Dennis S. Moore
Glenn M. Dickson	Kathryn R. Murdock
John Guzik	David Rota
	Worcester Horticultural County Citizens

Account No. 2420-1400-HH-H25.
The Commission V O T E D: Approved as recommended by Mr. McGinn in his report of April 28, 1994.

Action was taken upon the following Various Matters:

2. Report of Mr. Hedlund, April 7, requesting approval of the recommendation of The Proposal Review Committee, for Parking Lot Operation and Management Services at Nantasket Beach Reservation.
Deputy Commissioner Hedlund reviewed this item and then reported that the parking lot operations at Nahant and Revere Beach Reservations are working well.
Alan Jewett, as a member of the Proposal Review Committee (PRC) for the Parking Lot Operation and Management Services at Nantasket Beach, provided information, as requested by the Commission, on how the decision was arrived at to recommend award of the Permit to Imperial Realty Company, Inc. He then outlined the five criteria used in the evaluation process, which were:
(a) Fee to be paid to the Commonwealth for the services provided.
(b) Capability and experience of proposer operating and managing the parking lot.
(c) General management plan of proposer, including hours of operation and staffing levels.
(d) Participation of minority or women owned business enterprises.

(e) General financial strength and resources of the organization.

Each category, he stated, was given a weight of 1 to 20, with 20 being the best rating. Mr. Jewett noted that none of the proposers were SOMBA certified, therefore, all proposers were given a 0 in Category (d) resulting in the top rating possible of an 80.

Following a lengthy review and evaluation of the proposals, as submitted to the (PRC), by each of the proposers, the (PRC) assigned various weights to the 5 criteria and Imperial Realty Company, Inc., II, and Kinney Systems, Inc., ended in a tie, Mr. Jewett stated. With a possible 80 points, both Kinney Systems, Inc. and Imperial Realty Company, Inc., II, were rated with 56 points each, he explained. As a result of the tie, Mr. Jewett explained, the (PRC) then took into consideration other services offered by Kinney Systems, Inc., and Imperial Realty Company, Inc., II, which broke the tie.

Mr. Gary Kelly of Preferred Parking Company, Inc., stated that he did not feel that using the added service proposed by Imperial Realty Company, Inc., was fair to the other bidders because it was not listed as one of the criteria.

In response to a further question by Mr. Kelly, Mr. Jewett stated that even though Preferred Parking Company, Inc., offered more compensation, their proposal was not as attractive as Kinney Systems, Inc., or Imperial Realty Company, Inc., II.

On questioning by Associate Commissioner Carr, Mr. Jewett stated that the Preferred Parking proposal was misleading. He cited that Mr. Kelly worked as a consultant on parking lot operations, ran parking lots for Fitz Inn, as an employee, but never was an operator of any parking lots as Preferred Parking Company, Inc.

Henry J. Dunn, Commissioner of the Hull Parks and Recreation Commission noted that Imperial Realty Company, Inc. submitted two proposals (one as Imperial Realty Company, Inc., and the other as Imperial Realty Co., Inc., II). Imperial Realty Company, Inc., he noted, responded to the 5 criteria, while Imperial Realty Company, Inc., II responded to the five criteria, but also included provisions for $15,000.00 in services to staff and maintain MDC sanitaries located at Nantasket Beach. This additional service was used by (PRC) to break the tie. Mr. Dunn then stated that he did not feel it was fair to use this service to break the tie as it was not called for in the Request for Proposals.

Mr. Dunn stated that he could not understand how the (PRC) could recommend Imperial Realty Company, Inc., to the Commission for award of the Nantasket Beach Parking Lot Operation, citing the difference in dollar value of the proposals.

At this point, Commissioner Bhatti requested further information concerning the Request for Proposals. Deputy Commissioner Hedlund provided further information and stated that he prepared the Request for Proposals. However, he did not serve on the (PRC) because he new most of the proposers, Deputy Commissioner Hedlund explained.

Deputy Commissioner Hedlund then stated that if he were on the (PRC) he would not have recommended Imperial Realty Company, Inc., II, for award of the Permit. He then commended the members

of the (PRC) for their diligence and in-depth evaluation of the Proposals.

In response to a question from Commissioner Bhatti, Gary Kelly of Preferred Parking Company, Inc., stated that his company is not operating any parking facilities at this time.

Commissioner Bhatti then questioned what rating was given to Preferred Parking Company, Inc., on their compensation proposal of $70,000.00. Mr. Jewett responded that they were rated at 20% (maximum rating); however, of the seven firms submitting proposals, Preferred Parking Company, Inc., was rated number three overall by the Committee.

The Commission then discussed the proposals in detail and noted that each of the proposers had favorable points. Following the discussion, the Commission V O T E D: to approve the recommendations of the (PRC) and award the Nantasket Beach Parking Lot Operation and Management Services to Imperial Realty Company, Inc., II.

Associate Commissioner Settles abstained from voting.

At this point, Henry Dunn, Chairman of the Hull Recreation Commission presented the Commission with a copy of the following correspondence:

Henry J. Dunn, Chairman
Hull Parks & Recreation Commission
6 D Street
Hull, MA 02045

May 3, 1993

Mr. Ilyas Bhatti, Commissioner
The Commonwealth of Massachusetts
Metropolitan District Commission
20 Somerset Street
Boston, MA 02108

Dear Sir:

As Chairman of the Hull Parks & Recreation Commission, I feel a full investigation should be held in the awarding of the Hull parking lot to Imperial.

Preferred Parking Inc. and Kinney Systems Inc. proposals return not only a higher value to the M.D.C., but also benefit the Town of Hull within whose area your lots are located and who is entitled to justly receive some benefit from these proceedings.

You have selected the least qualified, the least experienced, and the lowest bid as your selection. This not only ranks of negligence on your part, but may even have some darker overtones. I think it is imperative at this time to know the relationship between those on your board and the various bidders in this matter.

I shall wait a reasonable time before forwarding copies of this letter to the Attorney General and District Attorney.

Sincerely,
/s/ Henry J. Dunn
Henry J. Dunn, Chairman
Hull Parks & Recreation
Commission.

1. Report of the Concession Selection Committee, April 26, recommending that certain Concession Permits be renewed for the 1994 Summer Season.
The Commission V O T E D: to renew the following Concession Permits for the 1994 Summer Season -

LOCATION	CONCESSIONAIRE	COMPENSATION
Artesani Tot-Lot Brighton	International Ice Cream	$1050.00 for the season.
Constitution Beach East Boston	John Mangini	$425.00 for the season.
Dilboy Field Area (excluding the stadium Somerville	James H. Reinold	$440.00 for the season
Nantasket Beach Pavilion, Hull	John and Sophia Koutrobis	$4,200.00 for the season.
Georges Island Boston Harbor	Thomas G. Murphy	$2,000 and 10% of gross profits from sales over $20,000.00 for the season.
Houghton's Pond Milton	Sam Najjar	$4,500.00 for the season.
Hatch Shell Boston	Stephen Rubin Arthur Kelley	$6,500.00 with an additional contribution of $1,000.00 to the Metropolitan Parks Trust Fund.
Kelly's Landing South Boston	Bay View Concessions d/b/a "The Landing"	$9,975.00 for the season.
Lee Pool Boston	Corrine Ferullo	$330.00 for the season.
Pearce Lake Bathing Area Breakheart Reservation Saugus	Dean Manemanus	$2,575.00 for the season.

2. Matter of Boston Duck Tours request for a Permit to operate motor vehicles for carriage of passengers for hire on MDC property.
Mrs. O'Brien presented a brief history of the application of Boston Duck Tours, L.P. (BDTLP) to utilize Commission property for its sightseeing service. She noted that the original request was to use Memorial Drive for entering and exiting the Charles River, in the area of Magazine Beach, Cambridge. However, it did not receive support of staff due to safety reasons and other considerations.

Since the original proposal of (BDTLP), a revised request has been received and appears to be feasible, she noted. The new route, she explained, enters Commission property along O'Brien Highway in front of the Museum of Science, right onto Industrial Park Road and along the back of the MDC's Central Service Building to the Northpoint access. At this point, she noted, the amphibious ducks will enter the water, travel upstream to the westerly side of the Longfellow Bridge, and return - exiting the Charles River at Northpoint (the ducks may be in the river for no longer than one half hour). The ducks will exit Northpoint and take a right into Charlestown by way of the Gilmore Bridge, she stated.

Mrs. O'Brien then explained that there is a longer range conflict between the implementation of the New Charles River Basin Plan and the mitigation measures to which the MDC is committed through the Memorandum of Agreement with the Massachusetts Highway Department and the Central Artery project.

It has been fully explained to representatives of Boston Duck Tours, L.P. that the access at Northpoint will have to be relocated at some future time.

Mrs. O'Brien then requested that the Commission approve the request of (BDTLP), to construct an access at Northpoint, as shown on Plan dated, March 26, 1994, as it may be conditioned by the Boston Conservation Commission and/or the U. S. Army Corps of Engineers and/or the Department of Environmental Protection and to use the access for a period not to exceed three years for the purpose of conducting public sightseeing tours as described in the proposal, subject to final terms and conditions to be prepared by the Secretary of the Commission in consultation with staff.

Attorney John F. Shea, of McGregor and Shea, Attorneys at Law, representing (BDTLP) reviewed the permitting process undertaken to date and stated that if the request is approved by the Commission, present plans call for construction of the facility at Northpoint to start in June with actual business to begin by July 1, 1994.

Attorney Shea then noted that Charles River Watershed Association (CWRA) opposed the original proposal. However, a meeting was held with a sub-committee of the (CRWA) recently at which time the CRWA Board voted to support approval of the Permit provided certain conditions were met by Boston Duck Tours, L.P.

At this point, a plan and explanation of the proposed facility at Northpoint, as prepared by Robert F. Daylor, P.E., was presented for Commission review.

Attorney Shea then requested that the Commission consider issuing a permit for the period May 15, 1994 to November 30, 1999, citing that expenses, the need to relocate in the future due to Massachusetts Highway Department projects in the area, and the pay-back to investors.

Andrew Wilson of Seaweed Incorporated, General Partner of (BDTLP), spoke of the changes made in the original request noting that the amphibious ducks will be in the Charles River for no longer than 30 minutes (each sightseeing tour) due to the lack of sanitary facilities, on board the Ducks.

Mr. Wilson then presented a video showing a Duck operating on Boston roads and in the water.

At this point, Robert L. Zimmerman, Executive Director of the (CRWA), spoke in support noting that CWRA strongly opposed the original proposal. However, following a meeting with representative of (BDTLP), the (CRWA) Board voted to support approval of the permit provided certain conditions were met by (BDTLP).

At this point, John Grabski of the Watertown Yacht Club spoke of the level of boating activity in the Charles River during weekends and suggested that non-functioning traffic control lights at the old Charles River Dam be re-activated for safety and boat traffic control purposes. Mr. Wilson stated that he will work with MDC staff in re-activating the lights.

Associate Commissioner Carr noting that the large number of attendees at the meeting requested a show of hands of those in favor and those opposed to the proposal - a total of 33 individuals raised their hands in support with no hands shown in opposition. Representative Timothy Twoomey, Jr., of Cambridge, who was in attendance, offered his endorsement of the proposal.

The Commission, as a body, then commended the proponents of the sightseeing tours for their efforts in addressing the MDC's concerns since the original proposal was submitted to the Commission.

Associate Commissioner Carr noting the time required for the investors to recoup their investment suggested that the Permit to BDTLP be issued for a three year period, with a review by the Commission following the first year of operation and that based on annual reviews, a further extension of up to three years be not unreasonably denied by the Commission.

Associate Commissioner Elkort then asked that staff attempt to locate another location for the sightseeing service if the approved site is closed due to construction in the area.

The Commission V O T E D: to approve the request of Boston Duck Tours L.P. to construct an access at Northpoint as shown on Plan dated March 26, 1994 as it may be conditioned by the Boston Conservation Commission and/or the U. S. Army Corps of Engineers and/or the Department of Environmental Protection and to use the access for a period not to exceed three years for the purposes of conducting public sightseeing tours as described in the proposal subject to final terms and conditions to be prepared by the Secretary to the Commission in consultation with staff.

Adjourned at 1:15 p.m., to meet on Thursday, May 12, 1994, at 10:00 a.m.

William F. Cheshire
Secretary

Record of the Three Thousand Six Hundred and Eighty Eighth (3688th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, May 12, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on April 28, 1994 were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract No. P92-1628-C3A, dated May 12, 1994, with Popico, Inc., for 1994 Parkway Landscape Improvements.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Abounaja, May 4, recommending approval of an extension of time from May 26, 1994 to May 26, 1995, on Contract No. P89-1556-C1A, with John Mahoney Construction/Whittier Equipment Corp. (Joint Venture), General Contractor, for Old Harbor Park, Dorchester Shores Reservation. (The contractor is out of business. The extension is needed for administrative purposes).
The Commission V O T E D: to approve an extension of time from May 26, 1994 to May 26, 1995, on Contract No. P89-1556-C1A, with John Mahoney Construction/Whittier Equipment Corp. (Joint Venture), General Contractor, for Old Harbor Park, Dorchester Shores Reservation, as recommended by Messrs. Faucher and Abounaja in their report of May 4, 1994, for administrative purposes only.

3. Report of Messrs. Faucher and Machado, April 22, recommending approval of the following revisions in quantities, in the amount of $9,680.00, on Contract No. P92-1653-C1A, with U.S.X. Corporation (Cyclone Fence Company), for Installation of Closure Gates, Guard Rail and Fences at Various Locations -
Item No. 009-010 - Single Leaf Gate - **$3,800.00**
Item No. 029-010 - S.S. Guard Rail - **$1,080.00**
Item No. 058-010 - Transportation Vehicle - **$4,800.00**
(Cost will be offset by unused quantities in Item No. 048-010 - Furnish and Install - Repair or Replace Black Vinyl Clad Chain Link Fence - 8 feet high).
The Commission V O T E D: Approved.

4. Report of Messrs. Baratta and Jackson, May 3, on bids for 1994 Cherry Tree Planting, Contract No. P89-1561-C6A.
Account No. 2448-0000.
(Messrs. Baratta and Jackson recommend acceptance of the lowest bid received, that of Foye & Letendre Landscaping, Inc., of $34,862.00).
The Commission V O T E D: to accept the lowest bid received, that of Foye & Letendre Landscaping, Inc., of $34,862.00.

1. Report of Messrs. Faucher and Sacco, May 9, submitting for approval and requesting permission to advertise Project No. P82-1128-C2A, for Rehabilitation of Mystic Valley Parkway and a Portion of South Border Road, Winchester.
Estimated Cost $7,500,000.00.
Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher and Brooks, May 10, recommending approval of a revision in quantities on Item 024-010-to Provide Maintenance Services - at a cost of $45,402.53, on Contract No. P92-1650-M1A, with Lewis Refrigeration Company, for Maintenance of Refrigeration Systems Located in Ice Skating Rinks Within the Metropolitan Park System FY93 and FY94.
(At no increase in Contract cost as the revision will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Brooks in their report of May 10, 1994.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Messrs. McGinn and Robert O'Connor, May 4, on bids for the Fabrication and Delivery of Six Steel Barways to Control Vehicular Access at Quabbin and Sudbury Watersheds.
Time of Performance June 1 to June 30, 1994.
Account No. 2420-1400.
(Messrs. McGinn and O'Connor recommend acceptance of the lowest bid received, that of Ralph's Blacksmith Shop, Inc., of $1,824.00 - $304.00 each).
The Commission V O T E D: to accept the lowest bid received, that of Ralph's Blacksmith Shop, Inc., of $1,824.00.

4. Report of Messrs. McGinn and Kane, May 10, recommending approval of Amendment No. 2, for an extension of time from June 30, 1994 to December 31, 1994, on Contract-Agreement No. WM93-072-D1A, with Lindgren Associates, P. C., for Design Services of Required Remedial Electrical Work at Quabbin Tower.
(At no increase in Contract Cost).
The Commission V O T E D: Approved.

5. Report of Messrs. McGinn and Kane, May 10, requesting approval of Amendment No. 1, for an extension of time from September 23, 1994 to June 30, 1995, on Contract No. WM93-070-S1A, with Louis Berger & Associates, Inc., for Preparation on Phase III of a Cultural Resource Management Plan for Quabbin Reservoir, Ware River and Wachusett Reservoir Watershed Lands.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

6. Report of Mr. Broderick, May 6, requesting approval of Project

for Repair and Rehabilitation of Nantucket Lightship and authorization for procurement of Consultant Services for the project.
Estimated Cost $5,000.00.
Time for Performance 10 months.
Account No. 2440-8889.
The Commission V O T E D: Approved as requested by Mr. Broderick in his report of May 6, 1994.

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien, April 22, requesting renewal and execution of Contract-Agreements with Messrs. Daniel Driscoll, Karl T. Haglund, John S. O. Krajovic and David T. Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning, as follows:
   1. Contract-Agreement with Daniel Driscoll - Total Upset Limit, including $265.00 in expenses, $49,995.85; Account No. 2441-9886; Time for Performance - July 1, 1994 to June 30, 1995.
   2. Contract-Agreement with Karl T. Haglund - Total Upset Limit, including $265.00 in expenses, $49,995.85; Account No. 2441-9886; Time for Performance - July 1, 1994 to June 30, 1995.
   3. Contract-Agreement with John S. O. Krajovic - Total Upset Limit, including $265.00 in expenses, $49,995.85; Account No. 2441-9886; Time for Performance - July 1, 1994 to June 30, 1995.
   4. Contract-Agreement with David T. Queeley - Total Upset Limit, including $265.00 in expenses, $49,995.85; Account No. 2441-9886; Time for Performance - July 1, 1994 to June 30, 1995.

   The Commission V O T E D: Approved as requested by Mrs. O'Brien in her report of April 22, 1994.
   The Secretary then submitted for signature Contract-Agreements, dated May 12, 1994, with Daniel Driscoll, Karl T. Haglund, John S. O. Krajovic and David T. Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning, which were signed by the Commissioner and two Associate Commissioners.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, May 5, requesting approval of a change in compensation to be paid to the Commission by its Concessionaire at the Ponkapoag Golf Course, B.L.G. Catering, Inc., D/B/A 37th Hole Restaurant, as follows -
   From 20% of gross revenues to be paid in arrears on a monthly basis for five full years starting once the new concession is operational. To 20% of first $100,000.00, 0% of second $100,000.00 and 20% of all gross revenue over $200,000.00.
   This new formula is recommended by a Special Staff Committee formed to review a request by the Concessionaire for a change in the Compensation formula.
   The Commission V O T E D: Held Over for further information until the Commission Meeting of June 2, 1994.

1. Report of Mr. Jewett, May 9, recommending approval of and authorization for Commissioner Bhatti to execute, on behalf of the Commission, Open Order Contract No. RP94-0006 with Norwood Engineering Co., Inc., for Park Land Acquisition - Land Survey Services - for a 40 acre site situated in the Town of Dedham and known as the Clerkin property (Wilson Mountain).
Cost $10,900.00.
Account No. 2420-9883.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Contract on behalf of the Commission.

Action was taken upon the following matter relating to the Office of Real Property:

2. Report of Mr. Gray, May 9, requesting authorization to expend $13,000.00, for Open Order Contract No. RP94-0003 - Surveys for Watershed Land Acquisition and Protection in FY94 - Franklin and Worcester Counties.
Account No. 2420-9883, under Section 3 of Chapter 564 of the Acts of 1987. (Open Space Bond).
The Commission V O T E D: to authorize Mr. Gray to expend $13,000.00, for Open Order Contract No. RP94-0003 - Surveys for Watershed Land Acquisition and Protection in FY94 - Franklin and Worcester Counties.

Adjourned at 11:50 a.m., to meet on Thursday, May 26, 1994, at 10:00 a.m.

William F. Creeth
Secretary

6, 1994

Record of the Three Thousand Six Hundred and Eighty Ninth (3689th) meeting of the Metropolitan District Commission duly called and held onboard the Historic Lightship Nantucket I, docked at Marina Bay, Squantum Point Section of Quincy, Massachusetts, on Thursday, May 26, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on May 5, 1994, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract No. P94-1731-C1A, dated May 26, 1994, with Tar-Vel Roofing Co., Inc., for Roof Replacement at the North Central Garage Cluster, Stoneham.

2. Contract No. P89-1561-C6A, dated May 26, 1994, with Foye & Letendre Landscaping, Inc., for 1994 Cherry Tree Planting.

3. Contract No. WM94-009-C1A, dated May 26, 1994, with Ralph's Blacksmith Shop, Inc., for the Fabrication and Delivery of Six Steel Barways to Control Vehicular Access at Quabbin and Sudbury Watersheds.

4. Agreement, dated May 26, 1994, with Imperial Realty Company, Inc., II, for Parking Lot Operation and Management Services for Nantasket Beach Reservation, Hull, for the period May 27, 1994 and terminating September 30, 1994.

Action was taken upon the following matters relating to the Engineering and Construction:

5. Report of Messrs. Faucher and Abounaja, May 13, recommending approval of an increase in funding from $242,239.77 to $273,839.77 (a total of $31,600.00), on Contract No. P88-1548-C3A, with Dec-Tam Corporation, for Asbestos Abatement at Various Facilities. (Increase is required to complete Extra Work at Quabbin Reservoir Watershed facilities and asbestos abatement at various swimming pools).

Account No. 2420-1400	- Watershed Division	- $ 6,000.00
Account No. 2440-8848	- Engineering and Construction Division	- $25,000.00

The Commission V O T E D: Approved.

6. Report of Messrs. Faucher and Brooks, May 18, recommending approval of an extension of time, for administrative purposes only, from May 1, 1994 to July 15, 1994, on Contract No. P92-1630-C2A, with Boston Graving Dock Corporation, for Removal of Tugboats "Luna" and "Venus" from the Charles River Basin. (The dry dock rental time will be at a rate of $1,000.00 per day at a cost not-to-exceed $15,000.00 for each month of rental).
The Commission V O T E D: Held Over.

y 6, 1994

1. Report of Messrs. Faucher and Yuan, May 22, on bids for Parapet Repair Bowker Interchange Inbound Storrow Drive, Boston.
Account No. 2490-8816.
(Messrs. Faucher and Yuan recommend acceptance of the lowest bid received, that of Riteway Steel, Inc., of $42,545.64).
The Commission V O T E D: to accept the lowest bid received, that of Riteway Steel, Inc., of $42,545.64.

2. Report of Messrs. Faucher and Sacco, May 19, recommending the following on Contract No. P82-1047-D1H, with Howard Needles Tammen & Bergendoff, for Rehabilitation of the Lynnway and the General Edwards Bridge -
(a) An increase in the design upset limit by $70,850.00 - resulting in a new upset limit of $1,508,526.00.
(b) An extension of time from June 30, 1994 to October 1, 1994.
Account No. 2490-0009.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Sacco in their report of May 19, 1994.

3. Report of Messrs. Faucher and DiPietro, May 18, recommending approval of Project No. P94-1745, Removal of Hazardous Waste, Redman Barn, adjacent to Ponkapoag Golf Course Parking Lot, Canton -
Phase I - provides for solicitation of bids on Project No. P94-1745-X1A and for an Inventory of Hazardous Waste - Estimated Cost $15,000.00.
Phase II - provides for authorization to advertise Project No. P94-1745-X2A and for Removal of Hazardous Waste from the facility - Estimated Cost - $35,000.00.
Account No. 2490-8910.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and DiPietro in their report of May 18, 1994.

4. Report of Messrs. Baratta and Traficante, May 19, recommending approval of an increase of $10,000.00 (from $115,021.00 to $125,021.00), for monitoring and inspection services for the abatement of asbestos containing materials in MDC swimming pools, prior to their opening in June, on Contract No. P88-1511-X2A, with ATC Dennison Environmental Services, Inc., for Asbestos Inspection and Monitoring Services at Various MDC Facilities.
Account No. 2410-7872.
Associate Commissioner Carr requested that Mr. Traficante provide further information concerning the reason for the increased cost of $10,000.00 on the Contract.
The Commission V O T E D: Approved.

5. Report of Mr. Baratta and Miss Pfetsch, May 20, recommending approval of an extension of time from June 30, 1994 to August 31, 1994, on Contract-Agreement No. P93-1679-S1A, with Adaptive Environments Center, for Compliance with the Americans with Disabilities Act.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

1. Report of Messrs. Baratta, Faucher and Jackson, May 18, requesting approval of and execution of an Amendment for an extension of time from June 30, 1994 to December 31, 1994, on Contract-Agreement No. P93-1661-D1A, with Primary Group, Inc., for design services for Improvements to Father Francis A. Ryan Memorial Playground, Mattapan.
(At no additional Contract-Agreement cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated May 26, 1994, to Contract-Agreement No. P93-1661-D1A, with Primary Group, Inc., which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Mr. McGinn, May 16, recommending approval and execution of Amendment No. 2, for an extension of time from June 30, 1994 to September 30, 1994, on Contract-Agreement No. WM93-001-S1A, with Weston and Sampson Engineers, Inc., for Waste Facilities Site Plan.
(At no increase in Contract-Agreement cost).
The Amendment did not arrive in time for execution by the Commission. Therefore, the Commission voted to approve the Amendment, but did not execute Amendment No. 2.

3. Report of Messrs. McGinn and Robert O'Connor, May 18, submitting for approval and execution Permit with Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, for Wildlife Management of two wildlife areas in the Ware River Watershed, for a period of five years from Commission execution.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Permit, dated May 26, 1994, with the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, for Wildlife Management of two wildlife areas in the Ware River Watershed, for a period of five years, which was signed by the Commissioner and three Associate Commissioners.

4. Report of Mr. McGinn, May 10 recommending award of Non-Hazardous Waste Removal Services for the period July 1, 1994 through June 30, 1996, to the following low bidders -

	Belchertown	
Fred J. Fijal Gilbertsville, MA	-	low bid of $3,792.00
	Oakham	
BFI Waste Systems Auburn, MA	-	low bid of $2,394.00
	New Salem	
BFI Waste Systems Chicopee, MA	-	low bid of $1,680.00

Account No. 2420-1400-JJ-J39.
The Commission V O T E D: Approved as recommended by Mr. McGinn in his report of May 10, 1994.

1. Report of Messrs. McGinn and Robert O'Connor, May 19, recommending approval of an extension of time from June 30, 1994 to August 31, 1994 and execution of the Amendment on Contract No. WM94-015-S1A, with Boston University, for Prescott Peninsula Historic Sites Inventory.
(At no additional Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated May 26, 1994, to Contract No. WM94-015-S1A, with Boston University, for Prescott Peninsula Historic Sites Inventory, which was signed by the Commissioner and three Associate Commissioners.

2. Report of Messrs. McGinn and Robert O'Connor, May 19, recommending approval of the 1994 Quabbin Reservation Controlled Deer Hunt, as outlined in the Table 1 of the Report, and the Quabbin Reservation White-Tailed Deer Impact Management Program, dated May 19, 1994.
The Commission V O T E D: Approved as recommended by Messrs. McGinn and O'Connor in their report of May 19, 1994.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

3. Report of Miss Connolly, May 20, submitting for approval and execution Agreement with the Publick Theater, Inc., for use of Commission property near the Herter Center, Soldiers Field Road, Brighton, for the period June 2, 1994 to May 31, 1995.
Associate Commissioner Carr asked that the Division confer with Publick Theatre and insure that they provide an adequate outreach program for youngsters from the Allston, Brighton and Cambridge communities.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated May 26, 1994, with the Publick Theater, Inc., for use of Commission property near the Herter Center, Soldiers Field Road, Brighton, for the period June 2, 1994 to May 31, 1995, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matters:

4. Report of Mr. Jewett, May 5, requesting approval of a change in compensation to be paid to the Commission by its Concessionaire at the Ponkapoag Golf Course, B.L.G. Catering, Inc., D/B/A 37th Hole Restaurant, as follows -
From 20% of gross revenues to be paid in arrears on a monthly basis for five full years starting once the new concession is operational. To 20% of first $100,000.00, 0% of second $100,000.00 and 20% of all gross revenue over $200,000.00.
This new formula is recommended by a Special Staff Committee formed to review a request by the Concessionaire for a change in the Compensation formula.
The Commission V O T E D: Held Over for further information until the Commission Meeting of June 2, 1994.

1. Report of the Concession Selection Committee, May 24, relative to award of the Concession at Sandy Beach, Winchester, for the 1994 Summer Season.
The Commission V O T E D: to award the Sand Beach Concession for the 1994 season, to John Xigeros, of 40 Nashua Road, Dracut, with Compensation to the Commission in the amount of $1,500.00.

2. Report of the Concession Selection Committee, May 24, relative to award of the Concession at The Half-Way House, Nahant, for the 1994 Summer Season.
The Commission V O T E D: to award the Concession at The Half-Way House, Nahant, for the 1994 Summer Season, to William Stinson, of Stinson's Ice Cream, of 9 Grant Street, Peabody, with Compensation to the Commission in the amount of $2,500.00.

Action was taken upon the following matter relating to the Office of Real Property:

3. Report of Mr. Gray, May 23, requesting authorization to expend an additional $16,687.00, under Account No. 2420-1846, for a total of $29,687.00, within this Fiscal Year, for costs related to Open Order Contract No. RP94-0003 - Surveys for Watershed Land Acquisition and Protection (Franklin and Worcester Counties).
(May 12, 1994 - Commission voted to approve the expenditure of $13,000.00 Open Order Contract No. RP94-0003).
The Commission V O T E D: to authorize Mr. Gray, Director of Real Property, to expend an additional $16,687.00, under Account No. 2420-1846, for a total of $29,687.00, within this Fiscal Year, for costs related to Open Order Contract No. RP94-0003 - Surveys for Watershed Land Acquisition and Protection (Franklin and Worcester Counties).

The following matters were placed on the agenda for the information of the Commission:

4. The following schedules were approved for payment by the Commissioner during the period from April 11, 1994 to April 18, 1994.
Expenditures $415,554.10

5. The following schedules were approved for payment by the Commissioner during the period from April 18, 1994 to April 25, 1994.
Expenditures $331,809.27

6. The following schedules were approved for payment by the Commissioner during the period from April 25, 1994 to May 2, 1994.
Expenditures $601,477.54

Adjourned at 11:45 a.m., to meet on Thursday, June 2, 1994, at 10:00 a.m.

William F. Cushnie
Secretary

Record of the Three Thousand Six Hundred and Ninetieth (3690th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, June 2, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on May 12, 1994 were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Amendment No. 2, dated June 2, 1994, to Contract-Agreement No. WM93-001-S1A, with Weston and Sampson Engineers, Inc., for Waste Facilities Site Plan.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Brooks, May 18, recommending approval of an extension of time, for administrative purposes only, from May 1, 1994 to July 15, 1994, on Contract No. P92-1630-C2A, with Boston Graving Dock Corporation, for Removal of Tugboats "Luna" and "Venus" from the Charles River Basin. (The dry dock rental time will be at a rate of $1,000.00 per day at a cost not-to-exceed $15,000.00 for each month of rental). The Commission V O T E D: Held Over.

3. Report of Messrs. Faucher and Abounaja, May 2, recommending approval and ratification of the action of the Division in directing the Contractor to undertake the following extra work orders and alteration, on Contract No. P90-1574-C3A, with Zenone, Inc., for Replacement, Including Disposal of Existing Gasoline, Diesel Fuel Tanks and Appurtenances at Various MDC Locations -

Extra Work Order No. 1	**$ 451.19**
Furnish and Install a vent system at the Blue Hills fuel facility in Milton	
Extra Work Order No. 2	**$2,629.60**
Relocate the veeder root system to a different location in the Upper Basin maintenance facilities in Brighton	
Extra Work Order No. 3	**$1,120.00**
Extra paving at the Upper Basin maintenance facilities in Brighton	
Extra Work Order No. 4	**$ 515.00**
Electrical work at the Neponset maintenance garage in Dorchester	
Extra Work Order No. 5	**$ 412.00**
Install emergency shut-off switch for the fuel pumps at the Stony Brook Garage in Hyde Park	
Extra Work Order No. 6	**$2,376.35**
Installing two hose reels and extra hose at the Marine Division facilities in Boston	

Total Cost of Extra Work Orders $7,504.14

Alteration No. 1 (a credit of $4,900.00)

For installing 2 - 4,000 gallon tanks rather than 1 - 6000 gallon tank and 1 - 10,000 gallon tank at the Nantasket Garage and installing 2 - 6000 gallon tanks rather than 2 -10,000 gallon tanks at the Marine Division in Boston

(Total credit $4,900.00)

Total increase $2,604.14.
Account No. 2490-8915.
The Commission V O T E D: to approve and ratify the action of the Division in directing the Contractor to undertake Extra Work Order No. 1, in the amount of $451.19.
The Commission further V O T E D: to approve and ratify the action of the Division in directing the Contractor to undertake Extra Work Order No. 2, in the amount of $2,629.60.
The Commission further V O T E D: to approve and ratify the action of the Division in directing the Contractor to undertake Extra Work Order No. 3, in the amount of $1,120.00.
The Commission further V O T E D: to approve and ratify the action of the Division in directing the Contractor to undertake Extra Work Order No. 4, in the amount of $515.00.
The Commission further V O T E D: to approve and ratify the action of the Division in directing the Contractor to undertake Extra Work Order No. 5, in the amount of $412.00.
The Commission further V O T E D: to approve and ratify the action of the Division in directing the Contractor to undertake Extra Work Order No. 6, in the amount of $2,376.35.
The Commission further V O T E D: to approve and ratify the action of the Division in directing the Contractor to undertake Alteration No. 1, at a credit to the Commission, in the amount of $4,900.00.

1. Report of Messrs. Faucher and Brooks, May 18, recommending approval of an extension of time, for administrative purposes only, from June 30, 1994 to November 30, 1994, on Contract No. P85-1342-C1A, with C. J. Mabardy, Inc., for the Construction of Riverwalk Park, Waltham.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time, for administrative purposes only, under the provisions of Article XXII, from June 30, 1994 to November 30, 1994, as recommended by Messrs. Faucher and Brooks in their report of May 18, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, if required, and on condition that no further request will be made for additional compensation and this extension of time shall in no way effect the liquidated damages in Article No. XXI, that may be due to the Commission or in any of its rights under the Contract.

2. Report of Messrs. Faucher and Carrigan, May 18, recommending the following on Contract No. P92-1652-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks at Various Locations throughout the

Metropolitan District -
(a) That work be accepted as completed as of September 13, 1993.
(b) That Estimate No. 7 (Final) - Non-Suffolk County - $1,250.06 and Estimate No. 8 (Final) - Suffolk County - $26,001.99, for a total of $27,252.05, be approved for payment.
(c) That reserve - Non-Suffolk County - $22,499.29 and reserve - Suffolk County - $24,804.43, for a total of $47,303.72, be approved for payment.
(Basis of Award - $592,864.83)
(Total to Date - $946,074.46)
(Contract Administration Rating - 3.50)
(EEO Compliance - 3.80)
The Commission V O T E D: that the work of D & R General Contracting, Inc., Contractor under Contract No. P92-1652-C1A, for Repairing/Replacing Bituminous and Cement Concrete Sidewalks at Various Locations throughout the Metropolitan District, be and hereby is accepted as completed as of September 13, 1993.
The Commission further V O T E D: to approve Estimate No. 7 (Final) - Non-Suffolk County, in the amount of $1,250.06 and Estimate No. 8 (Final) - Suffolk County, in the amount of $26,001.99, at a total of $27,252.05, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $22,499.29 - Non-Suffolk County and $24,804.43 - Suffolk County, at a total of $47,303.72, for payment.

1. Report of Messrs. Faucher and Abounaja, May 2, recommending approval of Extra Work Order No. 7, for removing an abandoned underground oil tank from the Ponkapoag Golf Course, at a cost of $2,800.00, on Contract No. P90-1574-C3A, with Zenone, Inc., for Replacement - Including Disposal of Existing Gasoline, Diesel Fuel Tanks and Appurtenances at Various MDC Locations.
Account No. 2440-4000.
The Commission V O T E D: to approve Extra Work Order No. 7, in the amount of $2,800.00.

2. Report of Messrs. Faucher and Abounaja, May 18, recommending approval of Extra Work Order No. 8, for removing two abandoned underground oil tanks from the Brighton/Allston Pool and from the MDC Maintenance Garage in Nahant, at a cost of $23,000.00, on Contract No. P90-1574-C3A, with Zenone, Inc., for Replacement - Including Disposal of Existing Gasoline, Diesel Fuel Tanks and Appurtenances at Various MDC Locations.
Account No. 2490-8915.
The Commission V O T E D: to approve Extra Work Order No. 8, in the amount of $23,000.00.

3. Report of Messrs. Faucher and Abounaja, May 19, requesting approval of Extra Work Claim Nos. 1, 2 and 3, at a total cost of $52,688.28, on Contract No. P90-1574-C3A, with Zenone, Inc., for Replacement - Including Disposal of Existing Gasoline, Diesel Fuel Tanks and Appurtenances at Various MDC Locations, as follows -
Extra Work Claim No. 1 **$34,133.55**
Environmental Services under the new Massachusetts Contingency Plan.

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Extra Work Claim No. 2 **$16,140,25**
Emergency Removal and Response Action of 1,000 gallon Underground Storage Tank at Breakheart Reservation, Saugus.
Extra Work Claim No. 3 **$ 2,414.48**
Environmental Service Request by Canton Conservation Commission at the Ponkapoag Golf Course Site.
Account No. 2490-8915.
The Commission V O T E D: to waive the provisions of Article XVIII relative to Claims for Payment for Extra Work and approve Extra Work Claim Nos. 1, 2, and 3, for a total amount of $52,688.28.

1. Report of Messrs. Faucher and McCalla, May 18, recommending approval of a revision in quantities on Item No. 7, for Equipment, Material, Components and Parts - at a cost of $4,500.00, on Contract No. P92-1644-M1A, with F. M. Generators, Inc., for Maintenance & Repair of Prime Power & Emergency Generators at Various Locations.
Funds are available in Account No. 2440-0010.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and McCalla in their report of May 18, 1994.

2. Report of Messrs. Faucher and Haider, May 26, recommending approval of the following revisions in quantities, in the amount of $7,936.00, on Contract No. P93-1687-M2A, with P. H. Mechanical Corporation, for Servicing HVAC Systems at Various MDC Facilities
Item No. 001-010 - Licensed Technician - $7,776.00
Item No. 002-010 - Technician - $ 160.00
(Cost will be offset by unused quantities in Item No. 003-010 - Equipment Materials Components and Parts).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Haider in their report of May 26, 1994."

3. Report of Messrs. Faucher and Haider, May 23, on bids for Maintenance of Elevators at MDC Headquarters Building FY95/FY96.
Account No. 2440-0010-LL FY95
Account No. 2440-0010-LL FT96
Funding for both years contingent upon annual appropriation.
(Messrs. Faucher and Haider recommend acceptance of the only bid received, that of Armor Elevator Company, Inc., of $27,544.00).
The Commission V O T E D: to accept the only bid received, that of Armor Elevator Company, Inc., of $27,544.00.

4. Report of Messrs. Faucher and DiPietro, May 25, recommending approval of Extra Work Order No. 1 - for drain pipe replacement, new water service, additional manhole testing and a changed drop inlet structure, install a 4" PVC connector and raise additional castings on Hillside Street, at a cost of $6,800.00, on Contract No. P82-1032-C1A, with Albanese Brothers, for Sewering of Canton Avenue Sanitary and Blue Hills Police Station.
(At no additional Contract cost as the Extra Work will be covered by unused quantities in Item No. 21-020 - Remove and Reset Granite Curbing).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $6,800.00.

1. Report of Messrs. Faucher, Baratta and Jackson, May 18, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P93-1668-C1A, for Construction of New Playground at Castle Island, South Boston.
Estimated Cost - $300,000.00.
Time for Performance - 6 months.
Account No. 2440-8885.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher and Brooks, May 23, recommending approval of an extension of time, for administrative purposes only, from June 30, 1994 to August 1, 1994, on Contract No. P93-1662-C1A, with Allied Weatherproofing Company, Inc., for Critical Repairs to Swimming Pools and Service Buildings at Various MDC Locations.
The Commission V O T E D: to approve an extension of time, for administrative purposes only, under the provisions of Article XXII, from June 30, 1994 to August 1, 1994, as recommended by Messrs. Faucher and Brooks in their report of May 23, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, if required, and on condition that no further request will be made for additional compensation and this extension of time shall in no way effect the liquidated damages in Article No. XXI, that may be due to the Commission or in any of its rights under the Contract.

3. Report of Messrs. Faucher and Lenhardt, May 9, recommending the following on Contract No. P93-1702-C1A, with N. E. L. Corporation, for Bridge Deck Repair - Bowker Overpass Inbound, Boston, Massachusetts -
(a) That work be accepted as completed as of December 15, 1993.
(b) That Estimate No. 3F (Final), in the amount of $18,494.90, be approved for payment.
(c) That reserve, in the amount of $22,116.27, be approved for payment.
(Basis of Award - $484,960.00)
(Total to Date - $442,325.23)
(Contract Administration Rating - 3.50)
(EEO Compliance - 4.60)
The Commission V O T E D: that the work of N. E. L. Corporation, Contractor under Contract No. P93-1702-C1A, be and hereby is accepted as completed as of December 15, 1993.
The Commission further V O T E D: to approve Estimate No. 3F (Final), in the amount of $18,494.90, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $22,116.27, for payment.

4. Report of Messrs. Faucher and McCalla, May 19, on bids for Electronic and Sound Maintenance and Repair Work at Various Sports Facilities and Recreational Areas of the Metropolitan District FY95 and FY96, Contract No. P94-1737-M1A.
Account No. 2440-0010.

(Messrs. Faucher and McCalla recommend acceptance of the lowest bid received, that of Coviello Electric & General Contracting Co., Inc., of $161,000.00).
Funding is contingent upon sufficient funds being made available in the FY95 and FY96 Budget.
The Commission V O T E D: to accept the lowest bid received, that of Coviello Electric & General Contracting Co., Inc., of $161,000.00.

1. Report of Messrs. Faucher and McCalla, May 19, on bids for Maintenance of Prime Power and Emergency Generators at Various Locations FY95 and FY96, Contract No. P94-1738-M1A.
Account No. 2440-0010.
(Messrs. Faucher and McCalla recommend acceptance of the only bid received, that of F. M. Emergency Generators, Inc., of $72,900.00).
Funding is contingent upon sufficient funds being made available in the FY95 and FY96 Budget.
The Commission V O T E D: to accept the only bid received, that of F. M. Emergency Generators, Inc., of $72,900.00.

2. Report of Messrs. Faucher and McCalla, May 19, on bids for Electrical Maintenance Work at Sports Facilities and Recreational Areas of the Metropolitan District FY95 and FY96, Contract No. P94-1736-M1A.
Account No. 2440-0010.
(Messrs. Faucher and McCalla recommend acceptance of the lowest bid received, that of Coviello Electric and General Contracting Co., Inc., of $164,420.00).
Funding contingent upon sufficient funds being made available in the FY95 and FY96 Budget.
The Commission V O T E D: to accept the lowest bid received, that of Coviello Electric and General Contracting Co., Inc., of $164,420.00.

3. Report of Messrs. Faucher and Carrigan, May 25, on bids for Repairing/Replacing Bituminous Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District, Contract No. P94-1733-C1A.
Account No. 2490-8910.
(Messrs. Faucher and Carrigan recommend acceptance of the lowest bid received, that of J. Marchese & Sons, Inc., of $704,008.00).
The Commission V O T E D: to accept the lowest bid received, that of J. Marchese & Sons, Inc., of $704,008.00.

4. Report of Messrs. Faucher and Carrigan, May 25, on bids for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District, Contract No. P94-1732-C1A.
Account No. 2490-8910.
(Messrs. Faucher and Carrigan recommend acceptance of the lowest bid received, that of Bardon Trimount, Inc., of $1,936,897.00).
The Commission V O T E D: to accept the lowest bid received, that of Bardon Trimount, Inc., of $1,936,897.00.
The Secretary then submitted for signature Contract No. P94-1732-C1A, dated June 2, 1994, with Bardon Trimount, Inc., which

was signed by the Commissioner and three Associate Commissioners.

1. Report of Mr. Faucher and Mrs. Graves-Jones, May 23, recommending approval of the following revisions in quantities, in the amount of $14,010.00, on Contract No. P92-1632-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts -

Item No. 004-010 **$4,500.00**
Labor Rate for Licensed Electrician
(Controller Technician)
Item No. 006-020 **$ 810.00**
Vehicle Signal Head Single
Section 12"
Item No. 010-010 **$ 540.00**
Traffic Signal Metal Base Octagonal
Item No. 018-010 **$8,160.00**
Traffic Signal Loop Detector Conductor
(Cost will be offset by unused quantities in Item No. 004-030 - Labor Rate for Helper Miscellaneous Repair).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Mrs. Graves-Jones in their report of May 23, 1994.

2. Report of Messrs. Faucher and Arinella, April 5, requesting approval and ratification of the action of the Division in directing the Contractor to undertake Extra Work Order No. 1, for removal of the existing oil fired furnace and installation of a new furnace, at the Flood Control Navigational Facility, Broad Sound Avenue, Revere, at a cost of $3,940.00, on Contract No. P92-1648-M1A, with Patrick J. Kennedy & Sons, Inc., for Service, Maintenance and Repair HVAC Systems at Locks, Draws and Dams.
Funding from Account No. 2440-0010-NN.
The Commission V O T E D: to approve and ratify the action of the Division in directing the Contractor to undertake Extra Work Order No. 1, for removal of the existing oil fired furnace and installation of a new furnace, at the Flood Control Navigational Facility, Broad Sound Avenue, Revere, at a cost of $3,940.00.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Messrs. McGinn and Kane, May 20, requesting approval of Contract No. WM94-008-D1A, with Lindgren Associates, P. C., for Rating and Design Load Study for Emergency Electrical Requirements at the Quabbin Administration Complex in Belchertown.
Cost not-to-exceed $4,900.00.
Account No. 2420-1400.
The Commission V O T E D: Approved.

4. Report of Messrs. McGinn and Kane, May 25, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. WM95-001-X1A, for Demolition/Removal and Disposal of MDC House at 684 Water

Street, Framingham, Massachusetts.
Estimated Cost $50,000.00.
Account No. 2420-7882.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following Various Matter:

1. Report of Mr. Jewett, May 5, requesting approval of a change in compensation to be paid to the Commission by its Concessionaire at the Ponkapoag Golf Course, B.L.G. Catering, Inc., D/B/A 37th Hole Restaurant, as follows - From 20% of gross revenues to be paid in arrears on a monthly basis for five full years starting once the new concession is operational. To 20% of first $100,000.00, 0% of second $100,000.00 and 20% of all gross revenue over $200,000.00. This new formula is recommended by a Special Staff Committee formed to review a request by the Concessionaire for a change in the Compensation formula.
The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Office of Real Property:

2. Report of Mr. Gray, June 1, recommending that the Commission declare surplus and transfer in accordance with Chapter 274 of the Acts of 1990, approximately 5 acres of land located on Route 110 in the Town of Clinton, to the Town of Clinton for cemetery purposes.
The Commission V O T E D: to declare surplus and transfer, in accordance with Chapter 274 of the Acts of 1990, approximately 5 acres of land located on Route 110 in the Town of Clinton, to the Town of Clinton for cemetery purposes, as recommended by Mr. Gray in his report of June 1, 1994.

3. Report of Mr. Gray, June 1, recommending that the Commission adopt an Order of Taking for acquisition of approximately 82.79 acres of land owned by Flintlock Farm, Inc., located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $487,300.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 82.79 acres of land owned by Flintlock Farm, Inc., located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 2, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in said Town of Hubbardston on the northerly side of Williamsville Road and on the westerly side of New Templeton Road and Gardner Road (Route 68), and shown as Lots 1, 5 and 6, and expressly excluding Lots 2, 3 and 4, on a plan entitled "Flintlock Farms, Inc., 41A Mason Street, Worcester, Massachusetts, Subdivision Plan of Land in Hubbardston, Massachusetts," prepared by HMM Engineers, Inc., dated March 24, 1989, and recorded with Worcester District Registry of Deeds as Plan 9 in Plan Book 618, and comprising approximately 82.79 acres. Said premises are also shown as Lots Nos. 7, 8 and 9, including Lots 5 and 6, and exclusive of Lots 2, 3 and 4, on a plan entitled "Flintlock Farms, Inc., 41A Mason Street, Worcester, Massachusetts, Subdivision Plan of Land in Hubbardston, Massachusetts", prepared by HMM Engineers, Inc., dated March 27, 1989, and recorded with said Deeds as Plan 53 in Plan Book 632.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Williamsville Road, New Templeton Road and Gardner Road (Route 68) which may be held by the supposed owner, and being a portion of the premises described in a deed from Paul Larson et al, to Flintlock Farm, Inc., dated October 5, 1988, and recorded with said Deeds in Book 11669, Page 149.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Flintlock Farm, Inc.	$ 487,300.00

The Commission further V O T E D: to approve an award of damages in the amount of $487,300.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 1, recommending that the Commission adopt an Order of Taking for acquisition of approximately 10 acres of land owned by Christian M. Kristoff Jr., located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $300,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 10 acres of land owned by Christian M. Kristoff Jr., located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 2, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain tract of land in the westerly part of Sterling, Worcester County, Massachusetts, on the southerly side of the road leading from Sterling Junction to the River Bridge, so called, containing about ten acres, more or less, bounded and described as follows:

Beginning at the northwesterly corner thereof at a junction of land formerly of Albert O. Bullard and the right-of-way of the above mentioned road;

Thence southeasterly by the right-of-way of said road, seven hundred forty-nine (749) feet, more or less, to an iron pin at the base of a maple tree at land formerly of William Connolley, South 85° West, one hundred thirty-eight (138) feet more or less to a corner;

Thence South 67° West, two hundred seventy-one (271) feet more or less to a corner;

Thence South 83 1/2 ° West, one hundred sixty-five (165) feet more or less to a corner;
Thence South 76° West, one hundred thirty-two (132) feet more or less to a corner;
Thence South 42° West, one hundred thirty (130) feet more or less to a corner; the last five courses being by land of William Connolley;
Thence South 42° West eighty-four (84) feet more or less by land of Chester and Madeline Johnson to a corner;
Thence South 35 1/2° West, one hundred ninety (190) feet more of less by land of said Johnson to a corner at land of Christian Kristoff, et ux;
Thence northerly four hundred forty-two (442) feet more or less to an iron pin;
Thence northerly five hundred fifteen (515) feet more or less to the right-of-way of said road leading from Sterling Junction to West Sterling River Bridge, the last two courses being by land of said Kristoff, to the place of beginning.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Boutelle Road which may be held by the supposed owner, and being the same premises described in a deed from Catherine Kristoff, a.k.a. Catherine A. Kristoff, to Christian M. Kristoff, Jr., dated June 1, 1986, and recorded with Worcester District Registry of Deeds in Book 9782, Page 64.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Christian M. Kristoff	$ 300,00.00

The Commission further V O T E D: to approve an award of damages in the amount of $300,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 1, recommending that the Commission adopt an Order of Taking for acquisition of approximately 11.443 acres of land owned by Great Farm Limited Partnership, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $126,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 11.443 acres of land owned by Great Farm Limited Partnership, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 2, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

Two (2) certain parcels of land in said Town of Hubbardston on the northwesterly and southeasterly sides of Gardner Road (Route 68), being Lot 2, comprising 11.008 acres or 479,500 square feet on the northwesterly side of said Gardner Road, and Lot 3, comprising 0.435 acres or 18,952 square feet on the southeasterly side of said Gardner Road, as shown on a plan entitled "Plan of Lots Surveyed for Great Farm Limited Partnership in Hubbardston, (Worcester County) MA," prepared by Szoc Surveyors, dated April 30, 1993, and recorded with the Worcester District Registry of Deeds as Plan 72, in Plan Book 671.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Gardner Road (Route 68) which may be held by the supposed owner.

Being a portion of the premises described in a deed from The Home National Bank of Milford to Great Farm Limited Partnership, dated April 19, 1990, and recorded with said Deeds in Book 12743, Page 398.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Great Farm Limited Partnership	$ 126,500.00

The Commission further V O T E D: to approve an award of damages in the amount of $126,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 1, recommending that the Commission adopt an Order of Taking for acquisition of approximately 385 acres of land owned by Davis Dairy, Inc., located in the Town of Princeton, Holden, Sterling, Massachusetts, and to approve an award of damages in the amount of $1,001,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 385 acres of land owned by Davis Dairy, Inc., located in the Town of Princeton, Holden, Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 2, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Towns of Princeton, Holden and Sterling, in the County of Worcester and Commonwealth of Massachusetts, namely:

Certain parcels of land on Coalkiln, Sterling and Pikes Hill Roads, in the Towns of Princeton, Holden and Sterling, Worcester County, Massachusetts, described as follows:

PARCEL I: The land in Holden, Worcester County, Massachusetts, with any buildings thereon, described as Parcel IX in a deed from Jonathan Davis and Evelyn D. Cowles, Trustees, to the Trustees of the Davis Farms Trust dated October 23, 1968, and recorded with Worcester District Registry of Deeds in Book 4907, Page 521.

PARCEL II: The land in Holden and Sterling, Worcester County, Massachusetts, with any buildings thereon, described as Tracts I, II and III in a deed from Sterling Heights Builders, Inc. to the Trustees of the Davis Farms Trust Dated September 28, 1984, and recorded with Worcester District Registry of Deeds in Book 8472, Page 335.

PARCEL III: The land in Princeton, Worcester County, Massachusetts, with any buildings thereon, described in a deed from the Trustees under the will of John A. Davis and Eleanor Wilder, individually and as Executrix under the will of Edwin A. Wilder to the Trustees of Davis Farms Trust dated October 23, 1968, and recorded with Worcester District Registry of Deeds in Book 4907, Page 523.

PARCEL IV: The land in Princeton, Worcester County, Massachusetts, with any buildings thereon, described as Tracts 1, 3, 4, and 5 in A deed from Charles B. Rugg, Administrator, to Louis C. Blanchard dated September 30, 1929, and recorded with Worcester District Registry of Deeds in Book 2506, Page 42.

THE ABOVE PARCELS ARE ACQUIRED TOGETHER WITH the right in the Tote Road recited in A deed from Harry T. Buck to Charles D. Thibodeau and Laura Thibodeau dated July 16, 1941, and recorded with Worcester District Registry of Deeds in Book 2829, Page 144, and with the right in the cartway recited in a deed from Harry T. Buck to Florrest R. Whitcomb dated September 13, 1943, and recorded with Worcester District Registry of Deeds in Book 2897, Page 370.

THE FOLLOWING PARCELS ARE EXPRESSLY EXCEPTED from the premises taken hereby:

1.) Lots 12A, 13A, 14A, 15A, 16A, 17A, 18A, and 20A shown on Plan of Subdivision "Pikes Hill", Sterling, owned by Sterling Heights Builders, Inc., dated August 16, 1979, revised November 12, 1979, revised March 12, 1979, prepared by Berry Engineering, Inc., and recorded with Worcester District Registry of Deeds in Plan Book 47, Plan 48.

2.) Lot 3 shown on Plan of Land in Princeton, Mass., surveyed for Davis Farms Trust by Charles A. Perkins Co., Inc., dated April, 1982, and recorded with Worcester District Registry of Deeds in Plan Book 496, Plan 60.

3.) Lot 5, shown on Plan of Land in Princeton, Mass., surveyed for Davis Farms Trust, by Charles A. Perkins Co., Inc., dated May, 1983 and recorded with Worcester District Registry of Deeds in Plan Book 508, Plan 65.

4.) Lot 9, shown on Plan of Land in Princeton, Mass., surveyed for Davis Farms Trust by Charles A. Perkins Co., Inc., dated March, 1982, and recorded with Worcester District Registry of Deeds in Plan Book 495, Plan 113.

5.) Lots 1, 2, 4, 6, 7, 8, and 10, shown on Plan of Land in Princeton, Mass., surveyed for Davis Farms Trust, by Charles A. Perkins Co., Inc., dated November, 1983, and recorded with Worcester District Registry of Deeds in Plan Book 514, Plan 78.

6.) The land described in a deed from Harry T. Buck to Charles D. Thibodeau and Laura Thibodeau dated July 16, 1941, recorded with Worcester District Registry of Deeds in Book 2829, Page 144.

7.) The land described in a deed from Harry T. Buck to Florrest R. Whitcomb dated September 13, 1943, and recorded with Worcester District Registry of Deeds in Book 2897, Page 370.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Coalkiln Road, Sterling Road and Pikes Hill Road which may be held by the supposed owner, and said to contain approximately 385 acres.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Davis Dairy, Inc.	$ 1,000,100.00

The Commission further V O T E D: to approve an award of damages in the amount of $1,001,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from May 2, 1994 to May 9, 1994.

   Expenditures $1,739,296.84

2. The following schedules were approved for payment by the Commissioner during the period from May 9, 1994 to May 16, 1994.

   Expenditures $2,819,333.26

3. The following schedules were approved for payment by the Commissioner during the period from May 16, 1994 to May 23, 1994.

   Expenditures $875,622.97

Adjourned at 11:40 a.m., to meet on Thursday, June 9, 1994, at 10:00 a.m.

William F. Bushee
Secretary

Record of the Three Thousand Six Hundred and Eighty Ninety First (3691st) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, June 9, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on May 26, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement No. PL92-017-S1A, dated June 9, 1994, with Carol R. Johnson Associates, Inc., for Upper Charles River Restoration Master Planning and Design Services, Waltham, Watertown, Newton.

2. Contract No. P94-1737-M1A, dated June 9, 1994, with Coviello Electric and General Contracting Co., Inc., for Electronic and Sound Maintenance and Repair Work at Various Sports Facilities and Recreational Areas of the Metropolitan District FY95 and FY96.

3. Contract No. P94-1736-M1A, dated June 9, 1994, with Coviello Electric and General Contracting Co., Inc., for Electrical Maintenance Work at Sports Facilities and Recreational Areas of the Metropolitan District FY95 and FY96.

4. Contract No. P94-1733-C1A, dated June 9, 1994, with J. Marchese & Sons, Inc., for Repairing/Replacing Bituminous Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher and Brooks, May 18, recommending approval of an extension of time, for administrative purposes only, from May 1, 1994 to July 15, 1994, on Contract No. P92-1630-C2A, with Boston Graving Dock Corporation, for Removal of Tugboats "Luna" and "Venus" from the Charles River Basin. (The dry dock rental time will be at a rate of $1,000.00 per day at a cost not-to-exceed $15,000.00 for each month of rental). Mr. Baratta noted that the extension of time is needed so that the contract will be kept alive into the new fiscal year. He explained that he met with representatives of the United States Naval Shipbuilding Museum (USNSM) concerning the USNSM taking ownership of the tugboats as part of a marine exhibit in Quincy. This solution to the problem looks promising, he explained. On motion of Associate Commissioner Carr, the Commission V O T E D to approve an extension of time from May 1, 1994 to July 15, 1994, for administrative purposes only, with the understanding that no further extensions will be approved by the Commission unless a definitive plan has been established by the Division to dispose of the tugboats 'Luna' and 'Venus'.

1. Report of Messrs. Faucher and DeLuca, April 28, recommending approval of the following revisions in quantities, in the amount of $41,754.62, on Contract No. P93-1670-M1A, with Allied Weatherproofing Co., Inc., for Service and Repairs to Swimming Pools and Service Buildings -

Item No. 002-002	**$ 833.00**
New Sand	
Item No. 002-008	**$10,946.80**
Remove and Dispose of Cement Concrete Decks and Walks	
Item No. 002-010	**$ 2,412.00**
New Sod	
Item No. 003-002	**$10,040.00**
New Cement Concrete	
Item No. 007-001	**$ 4,421.25**
Technical Service	
Item No. 007-002	**$ 1,437.50**
Labor	
Item No. 007-003	**$11,664.07**
Emergency Repairs to Recirculating Pumps and Motors	

(Cost will be offset by unused quantities in Item No. 011- 001 - New Hot Water System Lee Pool - $25,245.00 and Item No. 011-002 - New Hot Water System Hyde Park Pool - $25,245.00).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and DeLuca in their report of April 28, 1994.

2. Report of Messrs. Faucher and Haider, June 2, recommending that the following bids on Contract No. P94-1739-C1A, for Installation of New Gas Lines and Boiler Systems at the North Central Garage Cluster and at the Nahant Central Garage and at Nahant the Installation of Garage Doors and Sealing Other Garage Door Openings, be rejected, due to the failure of Patrick J. Kennedy & Sons, Inc. and Fraser Engineering Company, Inc. to comply with the provision of General Laws Chapter 149, Section S44E and the bids of Davison Company, Inc. and MEV Mechanical Contractors, Inc., were considerably over the engineer's estimate. Permission is requested to readvertise Contract No. P94-1739-C1A.
The Commission V O T E D: to reject the bids of Patrick J. Kennedy & Sons, Inc. and Fraser Engineering Company, Inc., on Contract No. P94-1739-C1A, as recommended by Messrs. Faucher and Haider in their report of June 2, 1994.
The Commission further V O T E D: Permission to readvertise.

3. Report of Mr. Faucher and Mrs. Graves-Jones, June 3, recommending that the Commission reject the bids of Coviello Electric and General Contracting Co., Inc. and Tri-State Signal, Inc., on Contract No. P94-1707-M1A, for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts, as both bids exceeded the engineer's estimate and also due to the lack of competitive bids on the project. Permission is further requested to combine this Contract with Contract No. P94-1708-M1A, for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts and to advertise both projects as one.

The Commission V O T E D: to reject the bids of Coviello Electric and General Contracting Co., Inc. and Tri-State Signal, Inc., on Contract No. P94-1707-M1A, as recommended by Messrs. Faucher and Kirwin in their report of June 3, 1994.
The Commission further V O T E D: to combine this Contract with Contract No. P94-1708-M1A, for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts and to advertise both projects as one.

1. Report of Messrs. Faucher and Kirwin, June 3, recommending that the Commission reject the bids of Tri-State Signal, Inc. and Coviello Electric and General Contracting Co., Inc., on Contract No. P94-1708-M1A, for Servicing Traffic Signal and Control Systems, Old Colony and Blue Hills Districts, as both bids exceeded the engineer's estimate and also due to the lack of competitive bids on the project. Permission is further requested to combine this Contract with Contract No. P94-1707-M1A, for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts and to advertise both projects as one.
The Commission V O T E D: to reject the bids of Tri-State Signal, Inc. and Coviello Electric and General Contracting Co., Inc., on Contract No. P94-1708-M1A, as recommended by Messrs. Faucher and Kirwin in their report of June 3, 1994.
The Commission further V O T E D: to combine this Contract with Contract No. P94-1707-M1A, for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts and to advertise both projects as one.

2. Report of Messrs. Faucher and DeLuca, May 26, recommending approval of the following revision in quantities, in the amount of $74,570.00, on Contract No. P93-1662-C1A, with Allied Weatherproofing Co. Inc., for Critical Repairs to Swimming Pools and Service Buildings -

Item No. 003-001	**$52,600.00**
Repairs to Cement Concrete	
Item No. 004-002	**$ 3,360.00**
New 4" Single Faced Glazed Block (5" x 12") Solid Filled Walls	
Item No. 004-004	**$ 750.00**
New 6" Double Faced Glazed Block (5" x 12") Solid Filled Walls	
Item No. 011-003	**$ 3,600.00**
New 4" Copper Pipe	
Item No. 011-006	**$ 720.00**
New 1" Copper Pipe	
Item No. 011-031	**$ 2,640.00**
New 2" PVC Schedule 80 Pipe	
Item No. 011-035	**$ 3,850.00**
New 8" PVC Schedule 80 Pipe	
Item No. 011-050	**$ 2,500.00**
New 8" Crank (gear) Oper. PVC Butterfly Valves	
Item No. 011-076	**$ 4,550.00**
New 8" Ductile Iron Pipe	

(Cost will be offset by unused quantities in Item Nos. 002-001,

002-004, 002-011, 002-012, 002-017.003-002, 003-004, 004-001, 005-001, 009-001, 009-003, 009-006, 011-009, 011-016, 011-017, 011-019, 011-025, 011-027, 011-028, 011-030, 011-034, 011-036, 011-048, 011-056, 011-059, 011-061, 011-071 and 011-072.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and DeLuca in their report of May 26, 1994.

1. Report of Mr. Faucher and Mrs. Graves-Jones, June 6, recommending approval of an extension of time from June 30, 1994 to August 31, 1994, on Contract No. P92-1632-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Districts, to allow time to readvertise the project.
The Commission V O T E D: to approve an extension of time from June 30, 1994 to August 31, 1994, on Contract No. P92-1632-M1A, with Coviello Electric and General Contracting Co., Inc., to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and Kirwin, June 6, recommending approval of an extension of time from June 30, 1994 to August 31, 1994, on Contract No. P92-1633-M1A, with Tri-State Signal, Inc., for Servicing Traffic Signal and Control Systems, Blue Hills and Old Colony Districts, to allow time to readvertise the project.
The Commission V O T E D: to approve an extension of time from June 30, 1994 to August 31, 1994, on Contract No. P92-1633-M1A, with Tri-State Signal, Inc., for Servicing Traffic Signal and Control Systems, Blue Hills and Old Colony Districts, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Arinella, May 25, recommending that the Commission ratify the action of the Division in undertaking Extra Work Order No. 1 - for emergency work to repair the submerged 4" fresh-water line from Pemberton Pier, Hull to Georges Island, at a cost of $57,275.93, on Contract No. P93-1691-M1A, with RDA Construction Corp., for Service, Maintain and Repair Underwater Structures at Various Flood Control Navigational Sites.
Account No. 2440-8889.
The Commission V O T E D: to ratify and approve the action of the Division in undertaking Extra Work Order No. 1 - for emergency work to repair the submerged 4" fresh-water line from Pemberton Pier, Hull to Georges Island, at a cost of $57,275.93, on Contract No. P93-1691-M1A.

Action was taken upon the following matter relating to the Watershed Management Division:

4. Report of Messrs. McGinn and Robert O'Connor, May 19, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise, for consultant services Project No. WM94-011-X1A, for Wachusett

Private Lands Forestry Services.
Time for Performance - July 1, 1994 to June 30, 1995.
Estimated Cost - $30,000.00 from a grant obtained by DEM, from USDA, Forest Service, which will be given to the MDC as a third party. $11,809.40 from MDC Account No. 2420-1400.
Total Cost $41,809.40.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following Various Matter:

1. Report of Mr. Jewett, May 5, requesting approval of a change in compensation to be paid to the Commission by its Concessionaire at the Ponkapoag Golf Course, B.L.G. Catering, Inc., D/B/A 37th Hole Restaurant, as follows - From 20% of gross revenues to be paid in arrears on a monthly basis for five full years starting once the new concession is operational. To 20% of first $100,000.00, 0% of second $100,000.00 and 20% of all gross revenue over $200,000.00. This new formula is recommended by a Special Staff Committee formed to review a request by the Concessionaire for a change in the Compensation formula.
The Commission V O T E D: Held Over until the Commission Meeting of June 23, 1994, at the request of Louis P. Gusmini, Treasurer of BLG Catering, Inc., D/B/A 37th Hole Restaurant.
(Mr. Gusmini to provide Mr. Jewett with a copy of his 1993 U.S. Income Tax Return, Form 1120S, signed by his C.P.A. and himself prior to the Meeting.

Action was taken upon the following matters relating to the Office of Real Property:

2. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 34.93 acres of land owned by Edgar M. Ridley, et al, located in the Town of Holden, Massachusetts, and to approve an award of damages, in the amount of $52,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936

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or.-)

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 34.93 acres of land owned by Edgar M. Ridley, et al, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in said Town of Holden, known as the "Sheldon Mill Lot", bounded and described as follows:

BEGINNING at the southeast corner of said tract, at land now or formerly of L.M. Harris & Co., on the north side of the Quinapoxet River, at a stone post;

Thence northwesterly and northerly by said river and land now or formerly of Thomas Daniels to a stone post at the northwest corner of the tract;

Thence easterly by land now or formerly of Mrs. Charles Ballard and land now or formerly of F.N. Bancroft to land of said L.M. Harris & Co.;

Thence by land of said L.M. Harris & Co. to the first mentioned bound.

Containing 34.93 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Sally E. Bacon to Edgar M. Ridley, et al, dated June 21, 1961, and recorded with Worcester District Registry of Deeds in Book 4227, Page 344.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Edgar M. Ridley and Wayne D. Ridley	$ 52,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $52,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

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1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 8.19 acres of land owned by Roy S. Bacon, Trustee of Bacon Associates, located in the Town of Saugus, Massachusetts, and to approve an award of damages, in the amount of $915,550.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and Chapter 79A.
Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 8.19 acres of land owned by Roy S. Bacon, Trustee of Bacon Associates, located in the Town of Saugus, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Saugus in the County of Essex and Commonwealth of Massachusetts, namely:

Two certain parcels of land in Saugus, bounded and described as follows:

Parcel 1

A parcel of Marshland, with the buildings thereon, being Lot A-2, on Plans 3009 and 3011, on file in the Assessor's Office of the Town of Saugus, supposed to contain about 7.84 acres.

Parcel 2

A parcel of Marshland, with the buildings thereon, being Lot A-41, on Plan 3011 on file in the Assessor's Office, supposed to contain .35 acres, more or less.

Being the same premises conveyed to Roy S. Bacon, Trustee of Bacon Associates, by deed of Roy S. Bacon, dated January 25, 1973, and recorded in Essex South District Registry of Deeds in Book 5949, Page 558.

Containing approximately 8.19 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, including the right of access and egress referenced in said deed, and including any and all fee interest in Rhodes Street and all right, title and interest held by the supposed owner on and off said Rhodes Street.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Saugus, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

Provided, however, that $ 95,000.00 from the award of $ 600,000.00 as cited below, be set aside to fund the costs for removing potentially hazardous material from said property, by a duly authorized consultant licensed by the state Department of Environmental Protection and selected by this Commission, with any funds remaining from the amount of $ 95,000.00 set aside from said award following the complete removal of such material to be tendered to the supposed owner.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Roy S. Bacon, Trustee of Bacon Associates	$ 600,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $915,550.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and Chapter 79A.

1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 9.578 acres of land owned by Christian M. Kristoff, Jr., located in the Town of Sterling, Massachusetts, and to approve an award of damages, in the amount of $33,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 9.578 acres of land owned by Christian M. Kristoff, Jr., located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land on the northerly sideline of Muddy Pond Road in the town of Sterling, bounded and described as follows:

Beginning at an MDC concrete bound on northerly sideline of Muddy Pond Road at the southwesterly corner of the parcel, said point also being the southeasterly corner of land of John Christian Kristoff;

Thence N 22° 19′ 04" W along land now or formerly of John Christian Kristoff for a distance of 198.00 feet to an MDC concrete bound;
Thence N 36° 10′ 56" E along land of said John Christian Kristoff for a distance of 247.50 feet to a point in Muddy Pond;

Thence	N 11° 10′ 56" E along land of said John Christian Kristoff for a distance of 429.00 feet to an iron pin;
Thence	N 33° 10′ 56" E along land of said John Christian Kristoff for a distance of 165.00 feet to an MDC concrete bound;
Thence	S 35° 49′ 04" E along other land now or formerly of Christian M. Kristoff Jr. for a distance of 190.00 feet to an MDC concrete bound;
Thence	N 41° 40′ 56" E along other land of said Christian M. Kristoff Jr for a distance of 84.00 feet to an MDC concrete bound;
Thence	S 38° 49′ 04" E along land now or formerly of William F. McNamara for a distance of 238.26 feet to an MDC concrete bound;
Thence	S 32° 19′ 04" E along land of said William F. McNamara for a distance of 232.32 feet to an MDC concrete bound;
Thence	S 15° 19′ 04" E along land of said William F. McNamara for a distance of 261.40 feet to an iron pin in the rear base of a maple tree, at the northerly sideline of Muddy Pond Road;
Thence	S 80° 31′ 40" W along the northerly sideline of Muddy Pond Road for a distance of 61.47 feet to a Worcester County Highway bound;
Thence	Along the northerly sideline of Muddy Pond Road along a curve to the left with a radius of 2,830.00 feet for a distance of 598.75 feet to an MDC concrete bound;
Thence	S 68° 24′ 20" W along the northerly sideline of Muddy Pond Road for a distance of 96.18 feet to a Worcester County Highway Bound (damaged);
Thence	Along the northerly sideline of Muddy Pond Road along a curve to the right with a radius of 1,866.94 feet for a distance of 30.25 feet to the point of beginning.

Containing approximately 9.578 acres, and being shown on a plan entitled "Land Taking Plan for Watershed Protection, Sterling (Worcester County) Mass., Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management," dated June 28, 1993, and prepared by Land Planning Engineering and Survey, which plan shall be recorded with the Worcester District Registry of Deeds at a later date and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Muddy Pond Road which may be held by the supposed owner, and being the same premises described as Parcel 2 in a deed from Catherine Kristoff a.k.a. Catherine A. Kristoff to Christian M. Kristoff, Jr., dated June 1, 1986, and recorded with Worcester District Registry of Deeds in Book 9782, Page 64.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Christian M. Kristoff	$ 33,500.00

The Commission further V O T E D: to approve an award of damages, in the amount of $33,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 159.6 acres of land owned by John B. Bates, et al, Trustees of Bates Family Trust, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages, in the amount of $1,606,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and Chapter 79A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 159.6 acres of land owned by John B. Bates, et al, Trustees of Bates Family Trust, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain parcel of land situated on the southerly side of Williamsville Road in said Town of Hubbardston, described as Parcel V and Parcel VIII in a deed from John B. Bates, et al, to John B. Bates, et al, Trustees, dated October 31, 1988, and recorded with Worcester District Registry of Deeds in Book 11831, Page 65.

Containing approximately 159.6 acres, as shown on a plan of land entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Hubbardston, Mass. (Worcester County) Land Taking Plan for Watershed Protection," prepared by Schofield Brothers of New England, Inc., dated June 24, 1993, which plan shall be recorded with said Deeds at a later date and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Williamsville Road which may be held by the supposed owners, and also together with any and all right, title and interest which may be held by said owners in two parcels shown on said plan as claimed by the Commission, comprising 5.98 acres and 4.70 acres, and another parcel shown on said plan as held by the Town of hubbardston comprising 7.5 acres.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
John B. Bates and Reginald B. Bates, Trustees of the Bates Family Trust	$ 445,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $1,606,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and Chapter 79A.

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1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 4 acres of land owned by John A. Hollett, located in the Town of Saugus, Massachusetts, and to approve an award of damages, in the amount of $311,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 4 acres of land owned by John A. Hollett, located in the Town of Saugus, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Saugus in the County of Essex and Commonwealth of Massachusetts.

A certain parcel of land in Saugus, Essex County, Massachusetts, bounded and described as follows:

Beginning at the end of the wall between the said parcel of land and land formerly owned by Lot Edmands and near Saugus River, and running Westerly on said wall about fifteen rods and thirteen links to a trench filled with small stones;

THENCE running Northerly by said trench about twenty-seven rods and twelve links, to other land of said Lot Edmands;

THENCE running Easterly by land formerly of Lot Edmands and land formerly of L. P. Hawkes about thirty-three rods and eight links, to the wall between the said land of the said Hawkes and land now or formerly of the heirs of Edward Pranker;

THENCE running Southerly on a stone wall and land covered with water, about twenty-six rods to the point begun at, and containing by estimations four acres.

Together with the right to use for all purposes for which a highway may be used the lane or road leading Southerly from the above described premises to a lane or road leading Easterly from the premises where said Lot Edmand formerly resided to the Old Newburyport Road, so called, and the right to use for all of said purposes the said lane or road leading from the said premises formerly occupied by the said Lot Edmands to the said Newburyport Road.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all interest in existing rights of way which may be held by the supposed owner, and being the same premises described in a deed from Charles R. Stevens to John A. Hollett, recorded with Essex South District Registry of Deeds in Book 6003, Page 629.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Saugus, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
John A. Hollett	$ 311,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $311,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 1.35 acres of land owned by George O. Gregson, et al, located in the Town of Saugus, Massachusetts, and to approve an award of damages, in the amount of $235,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.

The Commission V O T E D: adopt an Order of Taking for acquisition of approximately 1.35 acres of land owned by George O. Gregson, et al, located in the Town of Saugus, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Saugus in the County of Essex and Commonwealth of Massachusetts.

A certain parcel of land in Saugus, Essex County, Massachusetts shown as Parcel 2A on a Plan of land in Saugus, Massachusetts drawn by Hayes Engineering, Inc., dated and recorded with the Essex South District Registry of Deeds as Plan 84 in Plan Book 181, bounded and described as follows:

NORTHERLY by land now or formerly of Hollett, two hundred thirty-four and 81/100 (234.81 feet;

NORTHEASTERLY by land now or formerly of Mercurio, one hundred two and 18/100 23/100 (102.08) feet;

SOUTHERLY by land now or formerly of Gerondelis, three hundred six and 46/100 (306.46) feet;

SOUTHWESTERLY by a right of way as shown on the aforementioned plan, two hundred forty-four and 79/100 (244.79) feet; and

NORTHEASTERLY ninety and 41/100 (90.41) feet to the point of beginning.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises which, through mistake and inadvertence, were incorrectly described as Parcel 2 and shown on a plan recorded with Essex South District Registry of Deeds as Plan 95 in Plan Book 150, in a deed from Saugus Properties, Inc., to George O. Gregson and John A. Hollett, recorded with said Deeds in Book 7614, Page 515.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Saugus, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
George O. Gregson and John A. Hollett	$ 235,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $235,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 0.14 acres of land owned by Malcolm Cook, Trustee, et al, located in the City of Medford, Massachusetts, and to approve an award of damages, in the amount of $25,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 0.14 acres of land owned by Malcolm Cook, Trustee, et al, located in the City of Medford, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Medford in the County of Middlesex and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in said Medford, shown on a plan entitled " Commonwealth of Massachusetts Metropolitan District Commission Park Division Middlesex Fells Reservation Plan of Taking of Land in Medford from Estate of Carolin R. Lawrence.", dated August 26, 1925, prepared by John R. Rablin , Chief Engineer, recorded with the Middlesex South Registry of Deeds as Plan No. 829 (A of 2) on October 27, 1925, and bounded as follows:

BEGINNING at a stone bound on the corner of a lot named J.D.Dwyer located on the southerly side of South Border Road in the City of Medford;

THENCE S. 15 degrees 50' 10" W., seventy-nine (79) feet;

THENCE S. 74 degrees 35′ 30" E., one hundred twenty-six and 73/100 (126.73) feet; to South Border Road

THENCE Northwesterly along the southerly side of South Border Road one hundred forty-four (144) feet; to the point of beginning.

Containing approximately 0.14 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in South Border Road which may be held by the supposed owners, and being the same premises described in a deed from Lydia A. Dwyer to Gertrude A. Dwyer, Esther G. Dwyer, John D. Dwyer Jr. and Emily M. Dwyer, dated August 13, 1964, and recorded with Middlesex South Registry of Deeds in Book 11020 Page 349.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Medford, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is attached hereto and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Malcolm W. Cook, John D. Dwyer III, Thomas E. Dwyer, Jr., Mary E. Dwyer and Catherine A. Weckel, Trustees	$ 25,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $25,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 3.06 acres of land owned by John E. Duggan, located in the Town of Milton, Massachusetts, and to approve an award of damages, in the amount of $100,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
   Account No. 2440-8886.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 3.06 acres of land owned by John E. Duggan, located in the Town of Milton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts.

A certain parcel of land in Milton, Norfolk County, Massachusetts, being shown as Lot 1 consisting of 3.06 acres, more or less, on a Plan of land dated June 22, 1978, by Gale Engineering, which Plan is recorded as Plan No. 1032 of 1988, in Plan Book 373. Said Lot 1 is also described as Lot 4 as shown on a Plan entitled "Plan of Land, Milton, MA, dated December 10, 1964, by L.W. Decelle Surveyors, Inc." filed with the Norfolk County Registry of Deeds, as Plan No. 389 of 1965, in Plan Book 218.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and the same premises described in a deed from Robert Fox, Trustee, to John E. Duggan, recorded with Norfolk County Registry of Deeds in Book 8287, Page 152.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Milton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
John E. Duggan	$ 100,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $100,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 7.82 acres of land owned by Mortgage Properties Corp., located in the Town of Milton, Massachusetts, and to approve an award of damages, in the amount of $125,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 7.82 acres of land owned by Mortgage Properties Corp., located in the Town of Milton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts, namely, a parcel bounded:

A certain parcel of land situated in Milton, Norfolk County, Massachusetts, being shown as Lots 2,3, and 4 on a plan entitle, "Plan of Land on Neponset Valley Parkway, Milton, Mass.," dated June 22, 1978, drawn by Gale Engineering Company, Inc., which plan has been duly recorded with the Norfolk Registry of Deeds as Plan #1032 of 1988, Plan Book 373, and to which plan reference is hereby made for a more particular description as to the metes and bounds of said lots.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Milton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Mortgage Properties Corp.	$ 125,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $125,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

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1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 10.12 acres of land owned by Dianne G. Rayner, Trustee of the Stoney Brook Reservation Realty Trust, located in the City of Boston, Massachusetts, and to approve an award of damages, in the amount of $162,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 10.12 acres of land owned by Dianne G. Rayner, Trustee of the Stoney Brook Reservation Realty Trust, located in the City of Boston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land located in that part of Boston known as Hyde Park, bounded and described as follows:

Westerly by land now or late of Mrs James C. Sharp, by land now or late of Grew Real Estate Trust, by Land now or late of Elizabeth B. sharp and by Land now or late of Edgar H. Thompson, all of said Land being formerly of Richard Trow; Southerly, Southeasterly, Easterly, Northerly, Northeasterly, and again Northerly by land now or late of Grew Real Estate Trust, and still Northerly by land now or late of George S. Lee, Trustee, together with all rights of way and easements from and to the granted premises. Intending to convey and hereby conveying to the grantee the same premises with all the rights of way and easements

appurtenant thereto, which were conveyed to Walter D. Brooks by deed of Frederick H. Mansfield et als, Deacons of Second Church of Dorchester, dated July 16, 1920 and recorded with Suffolk County Deeds, Book 4243 Page 474; excepting however, from the above so much of said land as was taken by the City of Boston for playground purposes, by a Resolve and Order of the Board of Street Commissioners of the City of Boston, approved by the Mayor of the City of Boston, March 20, 1931 containing 190,798 square feet of land, more or less, dated March 10, 1933 and recorded with said Deeds in Book 5384 Page 213.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Charles G. Leon to Dianne G. Rayner, Trustee of The Stoney Brook Reservation Realty Trust, recorded with the Suffolk County Registry of Deeds in Book 15671, Page 153.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Dianne G. Rayner, a/k/a Dianne G. Nolbish Rayner, Trustee of The Stoney Brook Reservation Realty Trust	$ 162,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $162,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 9 acres of land owned by the Estate of John H. Hughes, located in the Town of Milton, Massachusetts, and to approve an award of damages, in the amount of $25,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 9 acres of land owned by the Estate of John H. Hughes, located in the Town of Milton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land containing about 9 acres of land situated on the Northeasterly side of Blue Hills Reservation near Randolph Avenue and Highland Street in the Town of Milton, County of Norfolk, Commonwealth of Massachusetts, and being the same premises shown a plan by Whitman Breck & Co., dated april 1888, recorded with Norfolk County Registry of Deeds, Book 579 Page 521, less the portions thereof excluded below, and being bounded and described as follows:

WESTERLY	By Old Scotch Woods Road;
NORTHWESTERLY	By Land formerly of J.M. Forbes;
NORTHEASTERLY	By land now or formerly of the heirs of Robert Vose and of the heirs of N. Crossman;
SOUTHEASTERLY	By land now or formerly of Reed;
SOUTHWESTERLY	By land now or formerly of Shepleigh;

EASTERLY	By land now or formerly of said Shepleigh; and
SOUTHWESTERLY	By land now or formerly of D.W. Tucker.

Excepted from the above are two parcels of land taken by the Commonwealth of Massachusetts by instruments of taking dated March 21, 1895 and July 2, 1897 recorded with said Deeds, Book 734 Page 581 and Book 793 Page 163 respectively.

Also excepted from the above is a parcel of land conveyed to James S. Greene by Deed dated November 10, 1903 recorded with said Deeds, Book 961 Page 495.

Subject to and with the benefit of easements and restrictions of record, if any, insofar as the same are now in force and applicable

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Milton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
The Estate of John H. Hughes	$ 25,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $25,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 6, recommending that the Commission adopt an Order of Taking for acquisition of approximately 2.347 acres of land owned by Grace A. Chiarelli, located in the Town of Boylston, Massachusetts, and to approve an award of damages, in the amount of $150,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and Chapter 79A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 2.347 acres of land owned by Grace A. Chiarelli, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A parcel of land with the buildings thereon in said Town of Boylston on the easterly side of Mile Hill Road at its juncture with Route 70, bounded and described as follows:

Beginning	at a granite stone MDC bound with drill hole found on the northeasterly side line of Route 70, said bound lying 49.68 feet southwesterly of a Worcester County highway bound with drill hole found at Station 361+18.31 P.C.;
Thence	S. 16 ° 37 ’00" E., 166.90 feet to MDC bound # 2801, a granite stone bound with drill hole found;
Thence	S. 08 ° 27’ 00" W., 90.0 feet to another granite stone bound with drill hole found;

Thence	S. 09 ° 22′ 00" W., 112.47 feet to another granite stone bound with drill hole found at land now or formerly of Robert L. and Janice M. Chalifoux, and land formerly of Chiarelli, now of the Commonwealth;
Thence	N. 72 ° 47′ 04" W., 457.66 feet to a concrete bound found on the northeasterly sideline of Mile Hill Road, the last four courses being by lands of the Commonwealth;
Thence	northeasterly by the layout line of Mile Hill Road, by the arc of a circle with a radius of 200 feet, a distance of 81.23 feet to a point;
Thence	continuing along the layout lines of Mile Hill Road and Route 70, by an arc of a circle with a radius of 563.61 feet a distance of 307.35 feet to a point on the easterly layout line of Route 70;
Thence	N. 78 ° 34′ 26" E., 105.61 feet by the layout line to the first mentioned bound and point and place of beginning.

Containing 2.347 acres, more or less, as shown upon a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Boylston (Worcester County) Mass., Land Taking Plan for Watershed Protection", prepared by C.T. Male Associates P.C., dated June 1992, which plan shall be recorded with Worcester District Registry of Deeds, at a later date, and made a part of this order.

Being a portion of the property conveyed to Peter Chiarelli, et ux, by a deed dated November 9, 1927, and recorded with said Deeds in Book 2454, Page 24. Also being that portion of the property remaining with the landowners after the taking of 11.544 acres of land by the Commonwealth of Massachusetts, by its Metropolitan District Commission, in an instrument of taking dated July 22, 1993, and recorded with said Deeds in Book 15475, Page 291.

Meaning and intending to take hereby the above premises, the remaining land of the supposed owners, howsoever the same may be bounded and described, and including any and all fee interest in Mile Hill Road and Massachusetts Route 70 which may be held by the supposed owners.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Grace A. Chiarelli, Elisa M. Chiarelli and Denise M. Chiarelli	$ 130,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $150,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, and Chapter 79A.

1. Report of Mr. Gray, June 7, recommending that the Commission adopt an Order of Taking for acquisition of approximately 75.25 acres of land owned by Trowbridge H. Ford, et al, located in the Town of Princeton, Massachusetts, and to approve an award of damages, in the amount of $110,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 75.25 acres of land owned by Trowbridge H. Ford, et al, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

Four certain parcels of land off Coalkiln Road in said Town of Princeton, bounded and described as follows:

Parcel 1.

A certain tract of land situated in the easterly part of Princeton containing 13 acres more or less and bounded and described as follows:

Beginning at the southwesterly corner at a heap of stones at a corner of land now or formerly of Warren Howe;

THENCE N 41° West 78 rods to a heap of stones at a corner;
THENCE N 54° East 26 rods 15 links by land now or formerly of Henry Howe to a stake and stones at a corner;

THENCE S 41° East 78 rods by land now or formerly of Jona. Reed Jr., and of Oliver Esty to a heap of stones at a corner;
THENCE S 54°West 26 rods 15 links to the first mentioned bound.

Parcel 2.

A certain tract of land situated in said Princeton adjoining the last above described tract containing 5 acres of land more of less and bounded and described as follows:

Beginning at the southeasterly corner thereof at a stake and stones by land of Jotham Howe now or formerly;

THENCE S 56½° West 51 rods to a stake and stones by land now or formerly of George F. Howe;
THENCE N 40¼° West 15 rods 22 links to a stake and stones;
THENCE N 56½° East by land now or formerly of Thomas Howe 51 rods 7 links to a stake and stones;
THENCE S 40° East 14 rods 22 links to the place of beginning.

Parcel 3.

A certain tract of woodland situated in Southeasterly part of said Princeton containing sixteen acres and 104 rods more or less and bounded as follows:

Commencing on the southeasterly corner of said tract and at a corner of land of Warren Howe and on the line between the towns of Princeton and Holden;

THENCE S 56°W on said town line thirty seven rods to a stake;
THENCE N 401/4° seventy-two rods to a stake;
THENCE N 56°E by land of Favel W. Smith to a stake and stones thirty seven rods;
THENCE S 40¼°E by land of said Smith and Warren Howe seventy-two rods to the place of beginning.

Parcel 4.

A certain parcel of pasture and wood land, situated in the southeasterly part of Princeton, bounded and described as follows:

Beginning at the most easterly corner at a stake and stones on Holden town line;

THENCE S 57° W 134 rods on said town line and by land now or formerly of Washington Estabrook to a stake in a maple stump;
THENCE N 37½° W 50½ rods by land now or formerly of Jotham Howe to a stake and stones;
THENCE N 57° E 133 rods by land now or formerly of one Parker and of Jonas H. Temple to a stake and stones;
THENCE S 37°E 49½ rods to the place of beginning containing by estimation 41¼ acres. Being same as 1249/580.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, said parcels together comprising approximately 75.25 acres, and being the same premises, together with the right of way, conveyed by deed dated March 16, 1973, and recorded with Worcester District Registry of Deeds in Book 5328, Page 254.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Trowbridge H. Ford, Isabelle J. Ford, Marilyn McCarthy, James O. Buck, Jr., Jennifer Grimsled and Geraldine Magaw.	$ 110,000.00

The Commission further V O T E D: to approve an award of damages, in the amount of $110,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 7, recommending that the Commission adopt an Order of Taking for acquisition of approximately 11.003 acres of land owned by Rivington Development Corporation, Inc., located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $475,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 11.003 acres of land owned by Rivington Development Corporation, Inc., located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

Three certain parcels of land in said West Boylston on and off of the southerly side of Laurel Street, more particularly bounded and described as follows:

Parcel 1.

A certain parcel of land on the southerly side of Laurel Street containing 21,075 square feet, more or less, and being shown as Lot 2 on a plan entitled, "Plan of Lots owned by Joseph R. Antonio in West Boylston, Mass.", prepared by Robinson and Fox, Inc., dated May 20, 1969, and recorded with Worcester South District Registry of Deeds as Plan 97 in Plan Book 330.

Parcel 2.

A certain parcel of land off the southerly side of Laurel Street fronting upon Rivington Drive and adjoining Parcel 1 as described above, containing 2.487 acres, more or less, and being shown as Lots 1 and 2 on a plan entitled "Laurel Acres Plan of Lots in West Boylston, Mass. Owned by R E W Realty Trust", prepared by Thompson Liston Associates, Inc., dated August 7, 1973, and recorded with the Worcester South District Registry of Deeds as Plan 123, in Plan Book 390.

Parcel 3.

A certain parcel of land off the southerly side of Laurel Street fronting upon Rivington Drive, containing 8.036 acres, more or less, and being shown as Lots 4,5,6,7,8,9,10, and 11, inclusive, on the plan of "Laurel Acres" as referenced above with Parcel 2.

These three certain parcels together comprise 11.003 acres, more or less.

Being a portion of the property conveyed to Rivington Development Corporation, Inc., by Evo L. Baldarelli, Richard E. Baldarelli, and Wallace E. Baldarelli, Trustees of the REW Realty Trust, by a deed dated October 15, 1991, and recorded with said Deeds in Book 13702, Page 319.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Laurel Street and in Rivington Drive which may be held by the supposed owner.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusettys, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Rivington Development Corporation, Inc.	$ 475,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $475,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 7, recommending that the Commission adopt an Order of Taking for acquisition of approximately 47.5 acres of land owned by the Estate of Sumner B. Meiselman, located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $155,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 47.5 acres of land owned by the Estate of Sumner B. Meiselman, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the easterly side of Redemption Rock Trail, northerly of its intersection with Beaman Road, in the Town of Princeton, more particularly bounded and described as follows:

Beginning at the northwesterly corner of the parcel, at a point on the easterly side line of Redemption Rock Trail , at land now or formerly of Lester A. and Mary A. Walker as described in Book 4381, Page 2820;

Thence northeasterly by land now or formerly of Walker 440 feet, more or less, to the center of a brook and land now or formerly of Eden-Kilgour as described in Book 6663, Page 163;

Thence generally southerly by the centerline of the brook and land now or formerly of Eden-Kilgour, 550 feet ,more or less, to a point at land now or formerly of the Town of Princeton as described in Book 3438, Page 47;

Thence continuing by the center line of the brook and land now or formerly of said Town 340 feet, more or less, to a point;

Thence by the southerly line of land now or formerly of the Town, southeasterly 990 feet, more or less, to a corner at land now or formerly of Norman and Eileen Sondak as described in Book 5359, Page 1310, and land now or formerly of Town Line Garage as described in Book 7078, Page 106;

Thence by land now or formerly of Town Line Garage southwesterly 750 feet, more or less, crossing a branch of the brook referred to above, and running to a corner of land now or formerly of Bryan Stuart, as described in Book 7323, Page 172;

Thence by land now or formerly of the said Stuart, on the same bearing, southwesterly 330 feet, more or less, to a point;

Thence turning further north, but still heading southwesterly by land now or formerly of the said Stuart 355 feet, more or less, crossing another branch brook to a point on the easterly sideline of Redemption Rock Trail;

Thence by the easterly line of Redemption Rock Trail 1950 feet, more or less, to the first mentioned point and place of beginning.

Containing, by estimate, 47.5 acres, more or less.

Being all that remaining property held by the Estate of Sumner B. Meiselman, which lies easterly of and adjoining Redemption Rock Trail, in said Princeton, being also a portion of the remaining property conveyed to Sumner B. Meiselman by Anita M. Silverman etal, the other heirs of Sadie B. Meiselman, in an instrument dated June 21, 1983 and recorded with the Worcester South District Registry of Deeds at Book 7824, Page 221.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Redemption Rock Trail which may be held by the supposed owner.The parcel of land above described is informally known as "the onion patch" and is represented as Parcel 42 on Map 5 of the Princeton Assessors Plans, as revised to January 1, 1994.

IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Estate of Sumner B. Meiselman	$ 155,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $155,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

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. 1. Report of Mr. Gray, June 7, recommending that the Commission adopt an Order of Taking for acquisition of approximately 1.7 acres of land owned by David L. Conlon, et al, located in the of City of Boston, Massachusetts, and to approve an award of damages in the amount of $40,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 1.7 acres of land owned by David L. Conlon, et al, located in the of City of Boston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Boston the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land comprising lots 47, 48, 49, 50 and part of lots 42, 43, 44, 45, and 46 on plan of land in said Hyde Park belonging to Gordon H Nott, dated September 20, 1870, C.H. W. Wood, Surveyor, recorded with Norfolk, Book 397, end, and bounded as follows:

SOUTHWESTERLY: On the parcel of land marked "Estey Street" on said plan, about two hundred thirty-eight (238) feet:
SOUTHERLY: On land of the Commonwealth of Massachusetts taken by it for Metropolitan Park purposes by a taking dated on or about July 8, 1896, recorded with Norfolk, Book 766, Page 566, about two hundred five (205) feet;

NORTHEASTERLY: By 2 lines on land now or formerly of Wyman and on land of Noble, ninety-nine and 2/10 (99.2) feet;
EASTERLY: On Land now or formerly of Noble being part of lot #44 on said plan, forty and 12/100 (40.12) feet;
NORTHERLY: On land of Cherrington and land formerly of Charles F. Jenney deceased one hundred six and 4/10 (106.4) feet;
NORTHEASTERLY: On land now or formerly of Charles F. Jenney deceased, on hundred fifty-four (154) feet;
NORTHWESTERLY: On land now or formerly of Rooney, one hundred (100) feet.

Said lots together comprise about 43,312 square feet. Also parts of certain other lots of land #38 and 39 on said plan, and together bounded and described as follows:

NORTHEASTERLY: On said land marked "Estey Street" on said plan, ninety-eight and 75/100 (98.75) feet;
SOUTHEASTERLY: On land marked Coleman Street on said plan, about twenty-eight (28) feet;
SOUTHWESTERLY: On land taken by the Commonwealth of Massachusetts for Park purposes as aforesaid, about one hundred seventeen (117) feet;
NORTHWESTERLY: On lot #40 on said plan about eighty-two (82) feet.

Said parcel containing 5,820 square feet more or less. Also a small part of Lot #178 on said plan bounded as follows:

NORTHWESTERLY: On Horton Street, eleven (11) feet;
NORTHEASTERLY: On lot #41 on said plan, forty-five and 5/10 (45.5) feet;
SOUTHWESTERLY: On said land taken by said Commonwealth of Massachusetts for Park purposes as aforesaid forty-six and 1/10 (46.1) feet.

Said parcel comprising 250 square feet more or less, and being triangular in shape.

Also a small part of lot #13 on said plan bounded:

NORTHWESTERLY: On said land marked Coleman Street on said plan;
NORTHEASTERLY: On land marked Estey Street on said plan;
SOUTHERLY: On land taken by said Commonwealth for Park purposes as aforesaid.

Also all the right, title and interest which the grantors have in said tracts of land marked "Estey Street, "Coleman Street" and "Horton Street" on said plan so far as same are situated Northerly and Northeasterly of the line of said land taken by the said Commonwealth for Park purposes.

Also another parcel of land being lot #51 on plan of C. H. W. Wood, dated September 20, 1870, and recorded with Norfolk Deeds, Book 397, Page 321, and bounded and described as follows:

SOUTHWESTERLY: On Estey Street, fifty-two and 1/10/ (52.1) feet;
NORTHWESTERLY: On Horton Street on hundred twenty (120) feet;
NORTHEASTERLY: On lot #52 on said plan, sixty and 5/10 (60.5) feet
SOUTHEASTERLY: On part of lot #50 and now of this grantor and partially on land formerly of Bleakie and now or formerly of MacMillan, one hundred twenty (120) feet.

Containing in all about 6,750 square feet more or less.

Also, another parcel of land being part of Lots 40 and 41 as shown on plan made by C.H. W. Wood, Surveyor, dated September 20, 1870, and recorded with Norfolk Deeds, Book 397, end, bounded and described as follows:

NORTHEASTERLY: On a parcel of land shown on said plan, marked "Estey Street" one hundred five (105) feet;

SOUTHEASTERLY: On lot #39 on said plan, eighty-two (82) feet;
SOUTHERLY: On land taken by Commonwealth of Massachusetts through its Board of Metropolitan Park Commissioner, seventy-four and 8/10 (74.8) feet, more or less;
SOUTHWESTERLY: On lot marked 178 on said plan;
NORTHWESTERLY: On Horton Street, about one hundred and 21/100 (100.21) feet more or less.

Containing 1.7 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the property conveyed by Mary Ethel MacMillan to David L. Conlon, et al, by deed dated April 8, 1975, and recorded with Suffolk County Registry of Deeds in Book 8779, Page 511.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
David L. Conlon and Anne I. Conlon	$ 40,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $40,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 7, recommending that the Commission adopt an Order of Taking for acquisition of approximately 3.32 acres of land owned by James E. O'Donnell, Jr., et al, located in the Town of Saugus Massachusetts, and to approve an award of damages in the amount of $12,650.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 3.32 acres of land owned by James E. O'Donnell, Jr., et al, located in the Town of Saugus Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Saugus in the County of Essex and Commonwealth of Massachusetts, namely:

Four certain parcels of land situated on the eastern side of Eastern Avenue in said Town of Saugus, comprising 3.32 acres, more or less, and shown on the Assessors Maps of the Town of Saugus as Lot 5, Map H4, Block 3, containing .880 acres, and Lots 6, 7 and 8, Map H5, Block 3, containing respectively 2.87 acres, .122 acres, and .031 acres, and being a portion of the premises described in Certificate of Title No. 33426, dated November 7, 1963, and filed with the Essex Southern Registry District of the Land Court in Book 145.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Eastern Avenue which may be held by the supposed owners.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Saugus, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
James E. O'Donnell, Jr., William H. O'Donnell, and George R. Pike	$ 12,650.00

The Commission further V O T E D: to approve an award of damages in the amount of $12,650.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

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1. Report of Mr. Gray, June 7, recommending that the Commission adopt an Order of Taking for acquisition of approximately 182.999 acres of land owned by Jean M. Stabell, et al, located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $400,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 182.999 acres of land owned by Jean M. Stabell, et al, located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts, namely:

Two certain parcels of land in said New Salem, the first lying south of Jennie Horr Road and Shutesbury Road a.k.a. Cooleyville Road at their juncture, the second lying northerly of Jennie Horr Road and northwesterly of Shutesbury Road a.k.a. Cooleyville Road at their juncture, more particularly bounded and described as follows:

<u>Parcel 1</u>

BEGINNING at a concrete bound set at a corner of stone walls, on the northwesterly side of Shutesbury Road, at land now or formerly of Bruce E. and Linda E. Wetherby, this being the southernmost point of the parcel;

THENCE by the stone wall N. 31 degrees, 42′ 52" W. 552.92 feet, crossing a creek and going to another concrete bound set in the wall at a corner and land now or formerly of Claire Klement, this course being by land now or formerly of Wetherby;

THENCE by the stone wall N. 08 degrees 37′ 29" E., to another concrete bound set in the wall;

THENCE by the stone wall N. 12 degrees 28′ 18" E., to a concrete bound set at the northwest corner of the parcel at a point on the southerly side of Jennie Horr Road, the last two courses being by land now or formerly of Klement;

THENCE by the southerly side of the road S. 68 degrees 17′ 53" E. 53.98 to a point;

THENCE by the road S. 89 degrees 39′ 42" E., 111.27 feet to a point in a stone wall remnant running with the road;

THENCE by the road N. 82 degrees 02′ 23" E., 231.00 feet leaving the wall remnant and running to a point on another wall segment;

THENCE by the road and stone wall segment N. 81 degrees 40′ 19" E., 150.26 feet to a point;

THENCE by the road S. 69 degrees 00′ 19" E., 59.44 feet to a point, and the northeasterly "corner" of the parcel;

THENCE S. 00 degrees 19′ 55" W., by Shutesbury Road entering a stone wall and going 172.82 feet to a point;

THENCE by the road and the stone wall, S. 03 degrees 13′ 33" W., 561.95 feet to a point;

THENCE by the road and the wall, S. 15 degrees 47′ 28" W., 66.44 feet to a point;

THENCE by the road and the wall, S. 27 degrees 39' 33" W., 172.46 feet to a point;

THENCE by the road and the wall, S. 45 degrees 01' 21" W., 70.55 feet to a point;

THENCE by the road and the wall, S. 71 degrees 05' 10" W., 58.47 feet to a point;

THENCE by the road and the wall, S. 74 degrees 20' 36" W. 191.94 feet to the first mentioned bound and point and place of beginning.

Containing 13.761 acres as shown upon a plan referenced at the conclusion of the description of Parcel 2, below.

Parcel 2

Beginning at a concrete bound set on the northerly side of Jennie Horr Road near the intersection with a 10 feet wide gravel road, at land now or formerly of Claire Klement, said point being also the southwesterly "corner" of the parcel being described;

THENCE N. 44 degrees 04' 35" W., feet to another bound;

THENCE N. 06 degrees 58' 13" E., entering a stone wall and going 197.55 feet to a drill hole;

THENCE by the stone wall N. 03 degrees 45' 01" E., 219.35 feet to another drill hole;

THENCE by the wall N. 03 degrees 17' 56" W., 41.14 feet to a drill hole;

THENCE by the wall N. 13 degrees 53' 55 W., 58.99 feet to a concrete bound set into the stone wall at an obtuse angle point;

THENCE by the wall N. 51 degrees 07′ 12" W., 813.08 feet to a concrete bound set into the wall;

THENCE by the wall N. 87 degrees 05′ 12" W., 38.33 feet to a concrete bound found at a corner of land of the Commonwealth and land now or formerly of Claire Klement, the last seven courses being by land now or formerly of said Klement;

THENCE on the same bearing, and along a barbed wire fence and treeline 1256.38 feet crossing a brook to a concrete bound found at a corner;

THENCE N. 13 degrees 27′ 26" E., 824.19 feet partially by and along a barbed wire fence and tree line to a concrete bound set;

THENCE N. 07 degrees 16′ 38" W., 774.48 feet by and along a barbed wire fence and the tree line to a concrete bound set at a corner;

THENCE N. 86 degrees 28′ 15" E., along the fence and tree line 346.73 feet to a concrete bound set;

THENCE N. 06 degrees 35′ 21" E., along the fence and tree line 923.92 feet to a bound found at the northwesterly corner of the parcel being described;

THENCE S. 83 degrees 01′ 16" E., along the tree line 230.96 feet to a concrete bound found;

THENCE S. 86 degrees 10′ 38" E., along the tree line 194.51 feet to a concrete bound found;

THENCE S. 88 degrees 48′ 31" E. along the tree line and partially along a barbed wire fence 1704.39 feet to a concrete bound found at the northeasterly corner of the parcel being described;

THENCE S. 01 degree 04′ 50" W., by and along the tree line and barbed wire fence 653.08 feet to a concrete bound found at land now or formerly of Alfred O. Ohlson, the last nine courses being by land of the Commonwealth;

THENCE S. 00 degrees 52′ 25" W., 1294.39 feet along the tree line, a stone wall segment and some barbed wire fence to a concrete bound set at a corner;

THENCE N. 88 degrees 02′ 36" E., 502.80 feet to a concrete bound set at a corner, and at the end of a short stone wall at land now of the Commonwealth, formerly claimed to belong to Donald P. Reutlinger, the last two courses being by land now or formerly of Ohlson;

THENCE S. 03 degrees 11′ 47" W., 300.38 feet by land of the Commonwealth and partially by the stone wall to a concrete bound set at land now or formerly of Roderick A. Raubeson and Lorraine R. Flye;

THENCE S. 02 degrees 04′ 00" E., 589.93 feet along the tree line and barbed wire fence to a concrete bound set at a corner and at the end of a stone wall segment;

THENCE S. 80 degrees 15′ 48" W., 336.51 feet entering a stone wall and running to a concrete bound set at a corner of stone walls;

THENCE S. 00 degrees 27′ 57" E., by the stone wall 306.23 feet to a concrete bound set in the wall at land now or formerly of Susan A. and Leo J. Paradis, Jr., the last two courses being by land now or formerly of Raubesan and Flye;

THENCE S. 00 degrees 01′ 46" E., by the wall 231.44 feet to a concrete bound set in the wall at land now or formerly of the Estate of Walter C. Jones;

THENCE S. 00 degrees 08′ 42" E., by the wall and land now or formerly of the said Jones 147.21 feet to a concrete bound set on the northwesterly side of Shutesbury Road;

THENCE S. 39 degrees 26′ 25" W., by the road 158.29 feet to a point;

THENCE turning southwesterly by Jennie Horr Road S. 89 degrees 35′ 48 " W., 50.66 feet to a point;

THENCE N. 69 degrees 00′ 19" W., by the road 61.71 feet to a point;

THENCE S. 87 degrees 59′ 43" W., by the road 73.14 feet to a point at or near the end of a stone wall segment;

THENCE S. 75 degrees 48′ 18" W., by the road and the wall 82.62 feet to a point at or near the end of the wall;

THENCE S. 83 degrees 08′ 50" W., by the road and mostly along a stone wall to a concrete bound set at a corner and land now or formerly of Pamela Bailey;

THENCE N. 08 degrees 31′ 58" W., 124.67 feet to a concrete bound set;

THENCE N. 07 degrees 29′ 26" E., 410.75 feet to a concrete bound set;

THENCE N. 04 degrees 54′ 26" E., 362.74 feet to a concrete bound set at a corner;

THENCE S. 85 degrees 07′ 18" W., 294.86 feet crossing a brook to another concrete bound set at a corner;

THENCE S. 04 degrees 23′ 46" W., 182.56 feet to a concrete bound;

THENCE S. 79 degrees 03" E., 51.06 feet to a concrete bound;

THENCE S. 01 degree 33′ 31" E., 641.51 feet to a concrete bound set on the northerly side of Jennie Horr Road at or near a culvert carrying the above mentioned stream under the road, the last seven courses being by land now of formerly of Bailey;

THENCE N. 68 degrees 17′ 53" W., by the road 88.88 feet to a point;

THENCE N. 71 degrees 50′ 20" W., by Jennie Horr Road 32.98 feet to the first mentioned bound and, place and point of beginning.

Containing 185.530 acres as shown upon a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, New Salem (Franklin County) Mass., Land Taking Plan for Watershed Protection," dated July 12, 1993, and drawn by Almer Huntley Jr., and Associates, Inc, which plan shall be recorded with Franklin County Registry of Deeds and made a part of this order.

Meaning and intending to take hereby a watershed preservation restriction and conservation easement, which restriction and easement shall run with the land, on an area comprising 182.999 acres of the premises as owned and occupied by the below referenced owners of record, being the same premises conveyed by George M. Klemm to Jean M. Stabell and Judy G. McLamb in a deed dated October 3, 1978, and recorded with said Deeds at Book 1558, Page 77. Areas to be excluded from this restriction, as shown on the attached plans marked Exhibit "A" and "B", together comprise 2.531 acres.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, to the following restrictions on the use of the parcel of land hereinabove described:

1. No uses of the property shall be permitted other than those uses directly related to sound silvicultural and horticultural management. Such permitted uses include all practices and operations necessary for the planting, growth and sale of "Christmas" trees, so-called, or any other silvicultural or horticultural practices or operations, conducted in accordance with the standards and practices approved by the Forest Stewardship Program of the Massachusetts Department of Environmental Management, for silvicultural management, or such other program or successor agency as such becomes applicable, and the standards and practices of the U.S. Department of Agriculture, for horticultural management, or such other standards and practices or successor agency as such becomes applicable.

2. No construction or placing of permanent buildings or structures or roads or parts thereof, and no placing of utilities or utility delivery systems, shall be permitted. The owners of record shall expressly retain the right to construct and maintain temporary outbuildings, such as warming huts, tool sheds, rain shelters and work stations related to the permitted uses of said property, provided that no outbuilding shall exceed a footprint area of 200 square feet. The owners shall also expressly retain the right to place utilities or utility delivery systems on the property which are required for the authorized uses of said property, or for the maintenance and operation of the dwellings and buildings located on the remaining portion of the premises which has been expressly excluded from operation of this restriction and easement, identified on the attached Exhibits "A" and "B" and comprising 2.531 acres, more or less. The owners shall further retain the

right to maintain, repair, restore and renovate all trails, fences, bridges, gates, stone walls, farm roads and forest roads presently located on the property, and the right, subject to prior written approval from the MDC Division of Watershed Management or its succesor agency, to place, construct and maintain additional farm roads and forest roads on said property in a manner appropriate and suitable to those roads established on said property on the date of the recording of this instrument.

3. No agricultural uses shall be permitted on said property, other than the horticultural uses previously stated.

4. No use or application of herbicides and pesticides shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance, except as needed to maintain the land and the authorized uses thereon.

6. No livestock or animals may be housed or confined on the premises, or otherwise placed on said premises for pasturage or for any other purposes.

7. No cutting or removal of trees, other than those constituting the so-called Christmas tree crop or harvest, and other than those required by the owners for firewood, except in connection with forestry and silvicultural management practices approved by the MDC Division of Watershed Management and the state Department of Environmental Management.

8. No commercial public recreational activities shall be permitted on the property, and only non-commercial private recreational activities, such as hiking, snowshoeing and cross country skiing, shall be permitted, or any other non-commercial private recreational activity which does not utilize a vehicle or otherwise constitute a hazard to the environment. Signage to identify restrictions on use and trail locations on said property, is hereby permitted.

9. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The Watershed preservation restriction and conservation easement hereby taken grants said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, but not the public, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of the same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Jean M. Stabell and Judy G. McLamb	$ 400,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $400,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 8, recommending that the Commission adopt an Order of Taking for acquisition of approximately 40.1 acres of land owned by William J. Clerkin, et al, located in the Town of Dedham, Massachusetts, and to approve an award of damages in the amount of $543,000.00 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 40.1 acres of land owned by William J. Clerkin, et al, located in the Town of Dedham, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Dedham in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land on Westfield Street in said Town of Dedham, containing 40.104 acres, more or less, as shown on a plan entitled "The Commonwealth of Massachusetts, Metropolitan District Commission, Park Land Taking Plan, Dedham, Massachusetts," prepared by Norwood Engineering Co., Inc., and dated June 14, 1994, which plan shall be recorded with the Norfolk County Registry of Deeds and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in said Westfield Road which may be held by the supposed owners, and being a portion of the same premises described in a deed from George L. Wrenn 2nd, et al, to William J. Clerkin, et ux, dated January 13, 1956, and recorded with said Deeds in Book 3446, Page 251.

The property taken hereby includes all of that registered land shown as lot "A" on Land Court Plan No. 2603B, filed in the Norfolk Registry District with Certificate of Title No. 9310, and as described in Certificate of Title No. 55532, as filed in said District in Registration Book 278, Page 132, and comprising approximately 6.8 acres.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land, except for these easements held by the supposed owners of record.

The concurrence of the Park and Recreation Commissioners of the Town of Dedham, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
William J. Clerkin, William Clerkin Jr., Peter L. Clerkin, David R. Clerkin and Kelly A. Clerkin	$ 543,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $543,000.00 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

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1. Report of Mr. Gray, June 8, recommending that the Commission adopt an Order of Taking for acquisition of approximately 38 acres of land owned by Kenneth R. Carberry, et ux, located in the Town of Milton, Massachusetts, and to approve an award of damages in the amount of $3,200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 38 acres of land owned by Kenneth R. Carberry, et ux, located in the Town of Milton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land containing approximately 38 acres and shown as Lots 5 through 21 inclusive, and 42 through 56 inclusive, on a plan entitled "Definitive Subdivision Plan Canton Avenue, Mass.", dated June 10, 1988, and recorded with Norfolk County Registry of Deeds as Plan No. 916 of 1989, in Plan Book 385, including the fee interest to the centerline of K.C. Farm Road from Lots 6 through 21 inclusive, the westerly sideline of Lot 42, and Lots 43 through 51 inclusive.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the premises described in a deed from A. Lawrence Rotch, et al, to Kenneth R. Carberry and Lorayne A. Carberry, dated January 15, 1979, and recorded with said Deeds in Book 5586, Page 61, and in a deed from Francis R.

Pilleri, Jr., to Kenneth R. Carberry and Lorayne Carberry, dated December 18, 1986, and recorded with said Deeds in Book 7369, Book 89.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Milton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Kenneth R. Carberry and Lorayne Carberry a/k/a Lorayne A. Carberry	$ 3,200,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $3,200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 8, recommending that the Commission adopt an Order of Taking for acquisition of approximately 5.16 acres of land owned by Maria Zsofia Lengyel, located in the Town of Milton, Massachusetts, and to approve an award of damages in the amount of $200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 5.16 acres of land owned by Maria Zsofia Lengyel, located in the Town of Milton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in said Town of Milton, bounded

Southwesterly by the Blue Hills Reservation;
Northwesterly by land now or formerly of Deborah C. Webster:
Northeasterly by land now or formerly of Frank H. Farrington, et al; and
Southeasterly by land now or formerly of Henry S. Forbes.

Containing 5.16 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Massachusetts Co-Operative Bank to Maria Zsofia Lengyel, dated August 24, 1976, and recorded with Norfolk Deeds in Book 5263, Page 529.

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AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Milton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Maria Zsofia Lengyel	$ 200,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 9, recommending that the Commission adopt an Order of Taking for acquisition of approximately 40.13 acres of land owned by Andrew H. Maxon, et al, Trustees of YPA Trust, located in the City of Quincy, Massachusetts, and to approve an award of damages in the amount of $1,600,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 40.13 acres of land owned by Andrew H. Maxon, et al, Trustees of YPA Trust, located in the City of Quincy, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Quincy in the County of Norfolk and Commonwealth of Massachusetts, namely:

Two certain parcels of land on Ricciutti Drive in the City of Quincy, described as follows:

Parcel 1. Lots 11, 12, 13 and 14B, including the roadway area, as shown on Plan Number 744 of 1991, recorded with Norfolk Registry of Deeds in Plan Book 402, and comprising approximately 37.73 acres as shown on said plan, and being the same premises conveyed by James D. Shea to Paul Ricciardi, et al, Trustees of YPA Trust, by deed dated December 4, 1987, and recorded with Norfolk County Registry of Deeds in Book 7827, Page 494.

Parcel 2. Lot 3D, as shown on Plan Number 1399 of 1987, recorded with said Deeds in Plan Book 361, and containing approximately 2.40 acres as shown on said plan, and being the same premises conveyed by Stephen C. Ricciardi, et al, Trustees of 3G Realty Trust, to Stephen C. Ricciardi, et al, Trustees of YPA Trust, by deed dated October 5, 1988, and recorded with said Deeds in Book 8134, Page 582.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Ricciutti Drive which may be held by the supposed owners.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Quincy, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Andrew H. Maxon, F.D. Rich III and Thomas L. Rich, trustees of YPA Trust	$ 1,600,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $1,600,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 9, recommending that the Commission adopt an Order of Taking for acquisition of approximately 9.917 acres of land owned by Kaygee Finance Company, located in the City of Boston, Massachusetts, and to approve an award of damages in the amount of $500,000.00 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 9.917 acres of land owned by Kaygee Finance Company, located in the City of Boston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in the West Roxbury District of the City of Boston, Massachusetts, shown on a plan entitled "Plan of Land, East Boundary Road, Boston, West Roxbury District, Mass.", dated May 7, 1981, by Yunits Engineering Co., Inc., and recorded with the Suffolk Registry of Deeds in Book 9766, Page 134.

Containing, according to said plan, approximately 9.917 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Kaygee Finance Company	$ 500,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $500,000.00 together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Adjourned at 12:35 a.m., to meet on Thursday, June 16, 1994, at 10:00 a.m.

William F. Cushing
Secretary

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Record of the Three Thousand Six Hundred and Ninety Second (3692nd) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, June 23, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on June 2, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Amendment, dated June 23, 1994, to Contract-Agreement No. P88-1511-X2A, with ATC Dennison Environmental Services, Inc., for Asbestos Inspection and Monitoring Services at Various MDC Facilities.

2. Third Amendment, dated June 23, 1994, to Contract-Agreement No. P88-1511-X2A, with ATC Dennison Environmental Services, Inc., for Asbestos Inspection and Monitoring Services at Various MDC Facilities.

3. Amendment, dated June 23, 1994, to Contract-Agreement No. P94-1276-D3A, with Seelye, Stevenson, Value and Knecht, for Professional Engineering Services for Bridges, Parkways and Other Commission Facilities.

4. Contract-Agreement No. WM94-008-D1A, dated June 23, 1994, with Lindgren Associates, P.C., for Rating and Design Load Study for Emergency Electrical Requirements at the Quabbin Administration Complex in Belchertown.

5. Amendment, dated June 23, 1994, to Contract-Agreement No. P93-1679-S1A, with Adaptive Environments Center, for Compliance with the Americans with Disabilities Act.

6. Amendment, dated June 23, 1994, to Contract-Agreement No. P82-1047-D1H, with Howard Needles Tammen and Bergendoff, for Rehabilitation of the Lynnway and the General Edwards Bridge.

7. Amendment, dated June 23, 1994, to Contract-Agreement No. P82-1185-D1C, with Stone & Webster Engineering, for Engineering Services for Fish Passage Facilities on the Charles River.

8. Contract No. WM93-072-C1A, dated June 23, 1994, with M. L. Schmitt, Inc., for Replacement of Transformers and Standby Generator at Quabbin Hill Tower Facility, Quabbin Reservoir, Ware, Massachusetts.

Action was taken upon the following matters relating to the Engineering and Construction Division:

9. Report of Messrs. Faucher and Haider, June 7, recommending the

following on Contract No. P94-1724-M1A, with Mass Heating, Inc., for Natural Gas Fired Infrared Heating System Installation in the Zamboni Room, Cronin Arena, Revere -

(a) That work be accepted as completed as of May 3, 1994.

(b) That Estimate No. 1 (Final), in the amount of $3,705.00, be approved for payment.

(c) That reserve, in the amount of $195.00, be approved for payment.

(Basis of Award - $3,900.00)
(Total to Date - $3,900.00)
(Contract Administration Rating - 5.00)
(EEO Compliance - N/A)

The Commission V O T E D: that the work of Mass Heating, Inc., Contractor under Contract No. P94-1724-M1A, for Natural Gas Fired Infrared Heating System Installation in the Zamboni Room, Cronin Arena, Revere, be and hereby is accepted as completed as of May 3, 1994.

The Commission further V O T E D: to approve Estimate No 1 (Final), in the amount of $3,705.00, for payment.

The Commission further V O T E D: to approve release of reserve, in the amount of $195.00, for payment.

1. Report of Messrs. Faucher and Sacco, June 16, on bids for Rehabilitation of Mystic Valley Parkway and a Portion of South Border Road, Winchester. Contract No. P82-1128-C2A. Account No. 2490-8910.

(Messrs. Faucher and Sacco recommend acceptance of the lowest bid received, that of John J. Paonessa Co., Inc., of $5,870,627.25).

The Commission V O T E D: to accept the lowest bid received, that of John J. Paonessa Co., Inc., of $5,870,627.25.

2. Report of Messrs. Faucher, Jackson and Baratta, June 12, recommending approval of the request of I. W. Harding Construction Co., Inc., General Contractor on Contract No. P93-1661-C1A, Reconstruction of Ryan Playground, to engage the services of the following sub-contractors -

Atlantic Concrete Construction, Inc. for installation of concrete curbs, concrete seatwall, piers and caps	$14,268.00
Emanouil Brothers, Inc. for tree protection, furnish infield mix, lawn seeding, planting, drinking fountain and water supply	$45,000.00
Larkin Iron & Fence Co. for steel picket fence, handrail, plaques and frame sign	$19,400.00
New England Sealcoating Co., Inc. for court painting and sealcoating	$ 7,500.00
Mass Bay Electrical Corporation for furnishing and installing electrical systems	$56,000.00
Allenby Tree and Landscape Service, Inc. for tree clearing	$ 1,800.00

K.L.K. Enterprises Landscape and Fence $40,000.00
for chain link fence, tennis net posts
and basketball standards
D & R General Contracting, Inc. $47,247.70
for bituminous concrete paving
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and DeLuca, May 24, recommending approval of Extra Work Order No. 4, in the amount of $4,120.44, to reconstruct a new boiler room at the Brighton/Allston Pool, on Contract No. P93-1662-C1A, with Allied Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools and Service Buildings.
Funding from Account No. 2440-7893.
The Commission V O T E D: to approve Extra Work Order No. 4, in the amount of $4,120.44.

2. Report of Messrs. Faucher and Arinella, June 15, on bids to Repair or Replace Heating, Ventilating and Air Conditioning Systems at Locks, Draws and Dams.
Contract No. P94-1740-M1A.
Account No. 2440-0010-NN.
(Messrs. Faucher and Arinella recommend acceptance of the lowest bid received, that of P. J. Kennedy & Sons, Inc., of $78,800.00).
The Commission V O T E D: to accept the lowest bid received, that of P. J. Kennedy & Sons, Inc., of $78,800.00.

3. Report of Messrs. Faucher and Sacco, June 17, on bids for General Edwards Bridge Maintenance Contract, Revere/Lynn.
Contract No. P94-1741-M1A.
Account Nos. 2444-9001-NN and 2440-0010-NN.
(Messrs. Faucher and Sacco recommend acceptance of the lowest bid received, that of Brewster Electric Co., Inc., of $59,825.00).
The Commission V O T E D: to accept the lowest bid received, that of Brewster Electric Co., Inc., of $59,825.00.

4. Report of Messrs. Faucher and Haider, June 9, on bids for Demolition and Disposal of Belmont Skating Rink, Belmont and the Martin House, Milton.
Contract No. P94-1727-C1A.
Account No. 2440-8886.
(Messrs. Faucher and Haider recommend acceptance of the lowest bid received, that of Great Northern Corp., of $286,598.00).
The Commission V O T E D: to accept the lowest bid received, that of Great Northern Corp., of $286,598.00.

Action was taken upon the following matter relating to the Watershed Management Division:

5. Report of Messrs McGinn and Kane, June 9, requesting approval and authorization for the Division to enter into Contract No. WM94-007-S1A, with GZA GeoEnvironmental, Inc., in the amount of $349,997.00, for Emergency Site Investigation at Goodnough Dike, Quabbin Reservoir.
Account No. 2420-8881.
Time for Performance - to June 30, 1995.

The Commission V O T E D: to approve and authorize the Watershed Management Division to enter into Contract No. WM94-007-S1A, with GZA GeoEnvironmental, Inc., in the amount of $349,997.00, for Emergency Site Investigation at Goodnough Dike, Quabbin Reservoir, as requested by Messrs. McGinn and Kane in their report of June 9, 1994.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

1. Report of Miss Connolly, June 15, requesting approval and execution of an Agreement between the Metropolitan District Commission, Massachusetts Electric and Central Mass. Arenas which will result in the donation of an electric Zamboni by Massachusetts Electric to the MDC and the use of the Zamboni during the off season by Central Mass. Arenas for monitoring of data.
Associate Commissioner Carr noted that the donation of the electric Zamboni by Massachusetts Electric Company to the Metropolitan District Commission was contingent upon the MDC permitting the Zamboni to be used by Central Mass Arenas through September 1, 1994, for monitoring the performance of the ice-resurfacer during warm weather.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated June 23, 1994, between the Metropolitan District Commission, Massachusetts Electric and Central Mass. Arenas, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matter relating to the Planning Division:

2. Report of Mrs. O'Brien, May 24, recommending the following on Contract No. PL93-025-S1B, with Lane, Frenchman & Associates, Incorporated, for Study of Issues and Future Possibilities for the Enhancement of the Boston Harbor Beaches -
(a) That work be accepted as completed as of September 30, 1993.
(b) That Estimate No. 6 (Final), in the amount of $3,600.00, be approved for payment.
(c) That reserve, in the amount of $4,550.00, be approved for payment.
(Basis of Award - $30,000.00)
(Cost to Date - $45,500.00)
(Contract Administration Rating - 7.00 - with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Lane, Frenchman & Associates, Consultant under Contract No. PL93-025-S1B, for Study of Issues and Future Possibilities for the Enhancement of the Boston Harbor Beaches, be and hereby is accepted as completed as of September 30, 1994.
The Commission further V O T E D: to approve Estimate No. 6 (Final), in the amount of $3,600.00, for payment.
The Commission further V O T E D: to approve reserve, in the amount of $4,550.00, for payment.

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Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, May 5, requesting approval of a change in compensation to be paid to the Commission by its Concessionaire at the Ponkapoag Golf Course, B.L.G. Catering, Inc., D/B/A 37th Hole Restaurant, as follows - From 20% of gross revenues to be paid in arrears on a monthly basis for five full years starting once the new concession is operational. To 20% of first $100,000.00, 0% of second $100,000.00 and 20% of all gross revenue over $200,000.00. This new formula is recommended by a Special Staff Committee formed to review a request by the Concessionaire for a change in the Compensation formula.
Miss Connolly noted that prior to making its recommendations, staff met with Mr. Gusmini of BLG Catering, Inc., d/b/a 37th Hole Restaurant concerning his request for a change in compensation. Several staff meetings were then held prior to staff making the recommendation to the Commission for a revision in compensation to be paid to the MDC by BLG Catering, Inc.
The Commission then discussed, at length, the requested change in compensation and then V O T E D:
   1. To keep the payment by the Concessionaire to the MDC for the 1993 season at 20% of gross revenues.
   2. To approve an adjustment in the compensation for the 1994 season as follows - The Concessionaire to pay 20% of gross revenues for the first $100,000.00 - 0% of gross revenues for the second $100,000.00 and 20% of all gross revenues over $200,000.00.
   3. To authorize Mr. Jewett to request daily cash register receipts to be included in the monthly revenue reports from the Concessionaire for the 1994 season. These reports to be delivered by the Concessionaire to Mr. Jewett no later than 30 days following the conclusion of each month. After reviewing the Concessionaire's revenue receipt reports, and no later than mid-December 1994, a recommendation is to be submitted to the Commission, relative to compensation to be paid to the MDC for the remaining three years of the Permit.
   4. The Commission will then consider a new compensation plan for 1995, 1996 and 1997 seasons.

2. Report of Messrs. Broderick and Tobin, June 20, requesting approval and execution of an Amendment for an extension of time from June 30, 1994 to August 31, 1994, on Service Contract with Cruwys Electrical Contracting, Inc., for Peddock's Island Photovoltaic Project.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated June 23, 1994, with Cruwys Electrical Contracting, Inc., for Peddock's Island Photovoltaic Project, which was signed by the Commissioner and two Associate Commissioners.

3. Report of Messrs. Baratta and Winters, May 27, requesting approval of the action by Mr. Winters in declaring an emergency on March 21, 1994, resulting in the containment and cleanup of an

oil spill at the Charles River Dam and further, to approve payment of $3,334.90 to Clean Harbors Environmental Services, Inc., for their cleanup and disposal of the oil.
The Commission V O T E D: to approve the action by Mr. Winters in declaring an emergency on March 21, 1994, resulting in the containment and cleanup of an oil spill at the Charles River Dam.
The Commission further V O T E D: to approve payment, in the amount of $3,334.90, to Clean Harbors Environmental Services, Inc., for their cleanup and disposal of the oil, as recommended by Messrs. Baratta and Winter in their report of May 27, 1994.

1. Report of Mr. Jewett, June 21, requesting approval of an extension of time from June 30, 1994 to June 30, 1995, on Contract with Morrell Associates, Inc., for Laboratory Services for Giardia and Cryptosporidium Analyses, and to authorize Commissioner Bhatti to execute the Amendment on behalf of the Commission.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from June 30, 1994 to June 30, 1995, on Contract with Morrell Associates, Inc., for Laboratory Services for Giardia and Cryptosporidium Analyses.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Amendment on behalf of the Commission, as requested by Mr. Jewett in his report of June 21, 1994.

Action was taken upon the following matters relating to the Office of Real Property:

2. Report of Mr. Gray, June 21, recommending that the Commission rescind the vote taken at its meeting of June 9, 1994, for the acquisition of land owned by Kaygee Finance Company in the City of Boston in the amount of $500,000.00, and adopt an Order of Taking for acquisition of approximately 9.917 acres of land formerly owned by Kaygee Finance Company, now owned by Charles M. Goldman, et al, Trustees of Stonybrook Nominee Trust, located in the City of Boston, Massachusetts, and to approve an award of damages in the amount of $620,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.
The Commission V O T E D: to rescind the vote taken at its meeting of June 9, 1994, for the acquisition of land owned by Kaygee Finance Company in the City of Boston in the amount of $500,000.00.

The Commission further V O T E D: to adopt an Order of Taking for acquisition of approximately 9.917 acres of land formerly owned by Kaygee Finance Company, now owned by Charles M. Goldman, et al, Trustees of Stonybrook Nominee Trust, located in the City of Boston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 23, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in the West Roxbury District of the City of Boston, Massachusetts, shown on a plan entitled "Plan of Land, East Boundary Road, Boston, West Roxbury District, Mass.", dated May 7, 1981, by Yunits Engineering Co., Inc., and recorded with the Suffolk Registry of Deeds in Book 9766, Page 134.

Containing, according to said plan 9.917 acres of land, and being the same premises described in a deed from Kaygee Finance Company to Charles M. Goldman, et al, Trustees of Stonybrook Nominee Trust, dated June 1, 1981, and recorded with Suffolk County Registry of Deeds in Book 9766, Page 136.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Charles M. Goldman and Julius L. Shack, Trustees of Stonybrook Nominee Trust	$ 820,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $620,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

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1. Report of Mr. Gray, June 21, recommending that the Commission rescind the vote taken at its meeting of June 9, 1994, for the acquisition of land owned by Jean M. Stabell, et al, in the Town of New Salem in the amount of $400,000.00, and adopt an Order of Taking for acquisition of approximately 182.999 acres of land owned by Jean M. Stabell, et al, located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $440,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to rescind the vote taken at its meeting of June 9, 1994, for the acquisition of land owned by Jean M. Stabell, et al, in the Town of New Salem in the amount of $400,000.00.
The Commission further V O T E D: to adopt an Order of Taking for acquisition of approximately 182.999 acres of land owned by Jean M. Stabell, et al, located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 23, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts, namely:

Two certain parcels of land in said New Salem, the first lying south of Jennie Horr Road and Shutesbury Road a.k.a. Cooleyville Road at their juncture, the second lying northerly of Jennie Horr Road and northwesterly of Shutesbury Road a.k.a. Cooleyville Road at their juncture, more particularly bounded and described as follows:

<u>Parcel 1</u>

BEGINNING at a concrete bound set at a corner of stone walls, on the northwesterly side of Shutesbury Road, at land now or formerly of Bruce E. and Linda E. Wetherby, this being the southernmost point of the parcel;

THENCE by the stone wall N. 31 degrees, 42′ 52" W. 552.92 feet, crossing a creek and going to another concrete bound set in the wall at a corner and land now or formerly of Claire Klement, this course being by land now or formerly of Wetherby;

THENCE by the stone wall N. 08 degrees 37′ 29" E., 191.78 feet to another concrete bound set in the wall;

THENCE by the stone wall N. 12 degrees 28′ 18" E., 409.02 feet to a concrete bound set at the northwest corner of the parcel at a point on the southerly side of Jennie Horr Road, the last two courses being by land now or formerly of Klement;

THENCE by the southerly side of the road S. 68 degrees 17′ 53" E. 53.98 feet to a point;

THENCE by the road S. 89 degrees 39′ 42" E., 111.27 feet to a point in a stone wall remnant running with the road;

THENCE by the road N. 82 degrees 02′ 23" E., 231.00 feet leaving the wall remnant and running to a point on another wall segment;

THENCE by the road and stone wall segment N. 81 degrees 40′ 19" E., 150.26 feet to a point;

THENCE by the road S. 69 degrees 00′ 19" E., 59.44 feet to a point, and the northeasterly "corner" of the parcel;

THENCE S. 00 degrees 19′ 55" W., by Shutesbury Road entering a stone wall and going 172.82 feet to a point;

THENCE by the road and the stone wall, S. 03 degrees 13′ 33" W., 561.95 feet to a point;

THENCE by the road and the wall, S. 15 degrees 47′ 28" W., 66.44 feet to a point;

THENCE by the road and the wall, S. 27 degrees 39' 33" W., 172.46 feet to a point;

THENCE by the road and the wall, S. 45 degrees 01' 21" W., 70.55 feet to a point;

THENCE by the road and the wall, S. 71 degrees 05' 10" W., 58.47 feet to a point;

THENCE by the road and the wall, S. 74 degrees 20' 36" W. 191.94 feet to the first mentioned bound and point and place of beginning.

Containing 13.761 acres as shown upon a plan referenced at the conclusion of the description of Parcel 2, below.

Parcel 2

Beginning at a concrete bound set on the northerly side of Jennie Horr Road near the intersection with a 10 feet wide gravel road, at land now or formerly of Claire Klement, said point being also the southwesterly "corner" of the parcel being described;

THENCE N. 44 degrees 04' 35" W., feet to another bound;

THENCE N. 06 degrees 58' 13" E., entering a stone wall and going 197.73 feet to a drill hole;

THENCE by the stone wall N. 03 degrees 45' 01" E., 219.35 feet to another drill hole;

THENCE by the wall N. 03 degrees 17' 56" W., 41.14 feet to a drill hole;

THENCE by the wall N. 13 degrees 53' 55 W., 58.99 feet to a concrete bound set into the stone wall at an obtuse angle point;

THENCE by the wall N. 51 degrees 07′ 12" W., 813.08 feet to a concrete bound set into the wall;

THENCE by the wall N. 87 degrees 05′ 12" W., 38.33 feet to a concrete bound found at a corner of land of the Commonwealth and land now or formerly of Claire Klement, the last seven courses being by land now or formerly of said Klement;

THENCE on the same bearing, and along a barbed wire fence and treeline 1218.05 feet crossing a brook to a concrete bound found at a corner;

THENCE N. 13 degrees 27′ 26" E., 824.19 feet partially by and along a barbed wire fence and tree line to a concrete bound set;

THENCE N. 07 degrees 16′ 38" W., 774.48 feet by and along a barbed wire fence and the tree line to a concrete bound set at a corner;

THENCE N. 86 degrees 28′ 15" E., along the fence and tree line 346.73 feet to a concrete bound set;

THENCE N. 06 degrees 35′ 21" E., along the fence and tree line 923.92 feet to a bound found at the northwesterly corner of the parcel being described;

THENCE S. 83 degrees 01′ 16" E., along the tree line 230.96 feet to a concrete bound found;

THENCE S. 86 degrees 10′ 38" E., along the tree line 194.51 feet to a concrete bound found;

THENCE S. 88 degrees 48′ 31" E. along the tree line and partially along a barbed wire fence 1704.39 feet to a concrete bound found at the northeasterly corner of the parcel being described;

THENCE S. 01 degree 04′ 50" W., by and along the tree line and barbed wire fence 653.08 feet to a concrete bound found at land now or formerly of Alfred O. Ohlson, the last nine courses being by land of the Commonwealth;

THENCE S. 00 degrees 52′ 25" W., 1294.39 feet along the tree line, a stone wall segment and some barbed wire fence to a concrete bound set at a corner;

THENCE N. 88 degrees 02′ 36" E., 502.80 feet to a concrete bound set at a corner, and at the end of a short stone wall at land now of the Commonwealth, formerly claimed to belong to Donald P. Reutlinger, the last two courses being by land now or formerly of Ohlson;

THENCE S. 03 degrees 11′ 47" W., 300.38 feet by land of the Commonwealth and partially by the stone wall to a concrete bound set at land now or formerly of Roderick A. Raubeson and Lorraine R. Flye;

THENCE S. 02 degrees 04′ 00" E., 589.93 feet along the tree line and barbed wire fence to a concrete bound set at a corner and at the end of a stone wall segment;

THENCE S. 80 degrees 15′ 48" W., 336.51 feet entering a stone wall and running to a concrete bound set at a corner of stone walls;

THENCE S. 00 degrees 27′ 57" E., by the stone wall 306.23 feet to a concrete bound set in the wall at land now or formerly of Susan A. and Leo J. Paradis, Jr., the last two courses being by land now or formerly of Raubeson and Flye;

THENCE S. 00 degrees 01′ 46" E., by the wall 231.44 feet to a concrete bound set in the wall at land now or formerly of the Estate of Walter C. Jones;

THENCE S. 00 degrees 08' 42" E., by the wall and land now or formerly of the said Jones 147.21 feet to a concrete bound set on the northwesterly side of Shutesbury Road;

THENCE S. 39 degrees 26' 25" W., by the road 158.29 feet to a point;

THENCE turning southwesterly by Jennie Horr Road S. 89 degrees 35' 48 " W., 50.66 feet to a point;

THENCE N. 69 degrees 00' 19" W., by the road 61.71 feet to a point;

THENCE S. 87 degrees 59' 43" W., by the road 73.14 feet to a point at or near the end of a stone wall segment;

THENCE S. 75 degrees 48' 18" W., by the road and the wall 82.62 feet to a point at or near the end of the wall;

THENCE S. 83 degrees 08' 50" W., by the road and mostly along a stone wall 197.52 feet to a concrete bound set at a corner and land now or formerly of Pamela Bailey;

THENCE N. 08 degrees 31' 58" W., 124.67 feet to a concrete bound set;

THENCE N. 07 degrees 29' 26" E., 410.75 feet to a concrete bound set;

THENCE N. 04 degrees 54' 26" E., 362.74 feet to a concrete bound set at a corner;

THENCE S. 85 degrees 07' 18" W., 294.86 feet crossing a brook to another concrete bound set at a corner;

THENCE S. 04 degrees 23' 46" W., 182.56 feet to a concrete bound;

THENCE S. 79 degrees 06′ 03" E., 51.06 feet to a concrete bound;

THENCE S. 01 degree 33′ 31" E., 641.51 feet to a concrete bound set on the northerly side of Jennie Horr Road at or near a culvert carrying the above mentioned stream under the road, the last seven courses being by land now of formerly of Bailey;

THENCE N. 68 degrees 17′ 53" W., by the road 88.88 feet to a point;

THENCE N. 71 degrees 50′ 20" W., by Jennie Horr Road 32.98 feet to the first mentioned bound and, place and point of beginning.

Containing 171.769 acres as shown upon a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, New Salem (Franklin County) Mass., Land Taking Plan for Watershed Protection," dated July 12, 1993, and drawn by Almer Huntley Jr., and Associates, Inc, which plan shall be recorded with Franklin County Registry of Deeds and made a part of this order.

Meaning and intending to take hereby a watershed preservation restriction and conservation easement, which restriction and easement shall run with the land, on an area comprising 182.999 acres of the premises as owned and occupied by the below referenced owners of record, being the same premises conveyed by George M. Klemm to Jean M. Stabell and Judy G. McLamb in a deed dated October 3, 1978, and recorded with said Deeds at Book 1558, Page 77. Areas to be excluded from this restriction, as shown on the attached plans marked Exhibit "A" and "B", together comprise 2.531 acres.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, to the following restrictions on the use of the parcel of land hereinabove described:

1. No uses of the property shall be permitted other than those uses directly related to sound silvicultural and horticultural management. Such permitted uses include all practices and operations necessary for the planting, growth and sale of "Christmas" trees, so-called, or any other silvicultural or horticultural practices or operations which are conducted in accordance with the standards and practices approved by the Forest Stewardship Program of the Massachusetts Department of Environmental Management, for silvicultural management, or such other program or successor agency as such becomes applicable, and the standards and practices of the U.S. Department of Agriculture, for horticultural management, or such other standards and practices or successor agency as such becomes applicable.

2. No construction or placing of permanent buildings or structures or roads or parts thereof, and no placing of utilities or utility delivery systems, shall be permitted. The owners of record shall expressly retain the right to construct and maintain temporary outbuildings, such as warming huts, tool sheds, rain shelters and work stations related to the permitted uses of said property, provided that no outbuilding shall exceed a footprint area of 200 square feet. The owners shall also expressly retain the right to place utilities or utility delivery systems on the property which are required for the authorized uses of said property, or for the maintenance and operation of the dwellings and buildings located on the remaining portion of the premises which has been expressly excluded from operation of this restriction and easement, identified on the attached Exhibits "A" and "B" and comprising 2.531 acres, more or less. The owners shall further retain the

right to maintain, repair, restore and renovate all trails, fences, bridges, gates, stone walls, farm roads and forest roads presently located on the property, and the right, subject to prior written approval from the MDC Division of Watershed Management or its succesor agency, to place, construct and maintain additional farm roads and forest roads on said property in a manner appropriate and suitable to those roads established on said property on the date of the recording of this instrument.

3. No agricultural uses shall be permitted on said property, other than the horticultural uses previously stated, but haying is expressly permitted.

4. No use or application of herbicides and pesticides shall be permitted.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance, except as needed to maintain the land and the authorized uses thereon.

6. No livestock or animals may be housed or confined on the premises, or otherwise placed on said premises for pasturage or for any other purposes, excluding household pets. It is expressly permitted for livestock and animals, such as horses, and all household pets, to be housed or confined in the areas excluded from this restriction and easement, as shown on said Exhibits A and B.

7. No cutting or removal of trees, other than those constituting the so-called Christmas tree crop or harvest, and other than those required by the owners for firewood, except in connection with forestry and silvicultural management practices approved by the MDC Division of Watershed Management and the state Department of Environmental Management.

8. No commercial public recreational activities shall be permitted on the property, and only non-commercial private recreational activities, such as hiking, snowshoeing and cross country skiing, shall be permitted, or any other non-commercial private recreational activity which does not utilize a vehicle or otherwise constitute a hazard to the environment. Signage to identify restrictions on use and trail locations on said property, is hereby permitted.

9. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The Watershed preservation restriction and conservation easement hereby taken grants said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, but not the public, the right to enter upon the land hereinabove described at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of the same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Jean M. Stabell and Judy G. McLamb	$ 440,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $440,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

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1. Report of Mr. Gray, June 22, recommending that the Commission adopt an Order of Taking for acquisition of approximately 16 acres of land owned by Sally Worthington Smith Gray, located in the Towns of Barre and Petersham, Massachusetts, and to approve an award of damages in the amount of $87,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936. The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 16 acres of land owned by Sally Worthington Smith Gray, located in the Towns of Barre and Petersham, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 23, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Towns of Barre and of Petersham in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated on Dana Road, also known as Old Dana Road and Barre Road, in said Towns of Barre and Petersham, and bounded and described as follows:

Beginning at the northwesterly corner of the property on the northerly side of Barre Road in Petersham, MA and at land of McEvoy;

THENCE running S 62° 52′ 33" E 84.82 feet by the wall and land of McEvoy to a wall corner;
THENCE running S 63° 08′ 05" E 361.32 feet by the wall and land of McEvoy crossing the Petersham/Barre Town Line to a stake in the corner of walls;
THENCE running N 34° 59′ 03" E 21.72 feet by the wall and land of McEvoy to a point;
THENCE running N 50° 21′ 00" E 85.01 feet by the wall and land on McEvoy to a point;

THENCE running N 51° 54′ 19" E 60.14 feet by the wall and land of McEvoy to an iron pipe:

THENCE running N 51° 32′ 30" E 146.46 feet by the wall and land of McEvoy to a point;

THENCE running N 48° 57′ 54" E 123.40 feet by the wall and land of McEvoy to a point;

THENCE running N 46° 29′ 23" E 236.80 feet by the wall and land of McEvoy to a drill hole;

THENCE running N 45° 26′ 38" E 196.57 feet by the wall and land of McEvoy to a drill hole;

THENCE running N 47° 56′ 01" E 199.20 feet by the wall and land of McEvoy, to a wall corner at land of the Commonwealth of Massachusetts;

THENCE running S 38° 59′ 32" E 203.94 feet by the wall and land of the Commonwealth to a wall corner;

THENCE running N 61° 16′ 17" E 91.06 feet by the wall and land of the Commonwealth to a point;

THENCE running N 48° 13′ 08" E 15.07 feet by the wall and land of the Commonwealth to a point;

THENCE running N 66° 58′ 55" E 35.51 feet by the wall and land of the Commonwealth to a point;

THENCE running N 82° 12′ 10" E 13.20 feet by the wall and land of the Commonwealth to a point;

THENCE running S 47° 53′ 15" E 38.10 feet by the wall and land of the Commonwealth to a point;

THENCE running S 28° 15′ 32" E 40.03 feet by the wall and land of the Commonwealth to a point;

THENCE running S 17° 42′ 57" E 266.87 feet by the wall and land of the Commonwealth, to the end of the wall;

THENCE running N 72° 19′ 47" E 522.11 feet by land of the Commonwealth to a wall corner;

THENCE running N 53° 18 06" E 14.99 feet by the wall and land of the Commonwealth to a point at the end of the wall;

THENCE running N 60° 21′ 59" E 202.86 feet by the land of the Commonwealth to a point on the northerly side of Dana Road;

THENCE running by the northerly side of Dana Road and a curve to the left having a radius of 2,530.00 feet and length of 72.31 feet to a point;

THENCE running S 48° 28′ 50 W 341.82 feet by the northerly side of Dana Road to a point at other land of Sally Worthington Smith Gray;

THENCE running S 80° 29′ 45 W 367.59 feet by land of said Gray to an iron rod;

THENCE running N 27° 03′ 06" W 461.98 feet by land of Gray to an iron rod;

THENCE running N 77° 34′ 22" W 170.23 feet by land of Gray to an iron rod;

THENCE running N 59° 33′ 23" W 440.14 feet by land of Gray to an iron rod;

THENCE running S 41° 49′ 51" W 248.87 feet by land of Gray to an iron rod;
THENCE running S 04° 48′ 02" E 156.45 feet by land of Gray to an iron rod;
THENCE running S 59° 19′ 12" E 211.82 feet by land of Gray to an iron rod;
THENCE running N 76° 32′ 15" E 228.43 feet by land of Gray to an iron rod;
THENCE running S 16° 05′ 19" E 80.92 feet by land of Gray to an iron rod;
THENCE running S 69° 09′ 48" E 204.02 feet by land of Gray to an iron rod;
THENCE running S 82° 46′ 59" E 146.24 feet by land of Gray to a point on the northerly side of Dana Road;
THENCE running by the northerly side of Dana Road and a curve to the right having a radius of 520.00 feet and a length of 527.46 feet to a point;
THENCE running N 67° 35′ 51" W 350.77 feet by the northerly side of Dana Road to a point of curvature;
THENCE running by the northerly side of Dana Road and a curve to the right having a radius of 670.00 feet and a length of 169.41 feet to a point;
THENCE running N 53° 08′ 11" W 191.89 feet by the northerly side of Dana Road to a point of curvature;
THENCE running by the northerly side of Dana Road and a curve to the right having a radius of 722.59 feet and a length of 112.31 to a point at the Barre/Petersham Town line and on the northerly side of Barre Road;
THENCE running N 44° 13′ 25" W 384.45 feet by the northerly side of Barre Road to the point and place of beginning.

Being the same property shown as Parcel "A" on a plan entitled "Plan of Land in Barre and Petersham Owned by Sally Worthington Smith Gray," dated May 25, 1994, prepared by Thomas Land Surveyors & Engineering Consultants, Inc., which plan shall be recorded either with this order or at a later date with the Worcester District Registry of Deeds and made a part of this order.

Containing 16.1 acres, more or less, and being a portion of the property conveyed by deed of Jane P. Hunnewell to Sally Worthington Smith Gray, dated September 26, 1977, and recorded with said Deeds in Book 6302, Page 347.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sally Worthington Smith Gray	$ 87,500.00

The Commission further V O T E D: to approve an award of damages in the amount of $87,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 23, recommending that the Commission adopt an Order of Taking for acquisition of approximately 86.951 acres of land owned by Fiduciary Trust Company, et al, located in the Town of Milton, Massachusetts, and to approve an award of damages in the amount of $2,100,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 86.951 acres of land owned by Fiduciary Trust Company, et al, located in the Town of Milton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 23, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land off the easterly side of Canton Avenue in said Town of Milton, being shown as Lot 2 on a plan entitled "Plan of Land 'Bartol Old Farm' Canton Avenue, Milton, Norfolk County, Massachusetts," dated June 14, 1994, and prepared by Robert E. Hannigan Associates, which plan is attached hereto and incorporated herein as Exhibit "A" and shall either be recorded with this order or at a later date with the Norfolk County Registry of Deeds and made a part of this order, said Lot 2 containing approximately 30.112 acres as shown on said plan.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of two certain parcels described in the deed from Janet Belash, et al, to Fiduciary Trust Company, as Trustee, dated December 27, 1984, and recorded with Norfolk County Registry of Deeds in Book 6725, Page 337, and a portion of the parcel described in the deed from Charlotte H. Bartol to Louis C. Bartol, dated May 26, 1950, and recorded with said Deeds in Book 2916, Page 131.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees, excluding nursery stock which shall be removed within four (4) months from the date of recording of this document, on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

Expressly excluded from the rights hereby taken, is the right of the owners of the remaining land to operate and maintain a water supply system and spring and to draw water from Balster Brook, as referenced in the above deed into the Fiduciary Trust Company, as Trustee. Expressly granted to the owners of record by operation of this order, is the right and easement, for drainage purposes, to construct, maintain and repair pipes, culverts, ditches or any other necessary structures or fixtures, in the area of Lot 2 shown on said plan as "Proposed Drainage Easement." Also expressly granted to said owners, is the right to keep blocks, boulders, and rocks where presently stored on a portion of Lot 2 near the "Proposed Drainage Easement," provided that no additional blocks, rocks and boulders are placed thereon, together with the right to enter said Lot 2 and remove said blocks, boulders and rocks, at their discretion.

This Commission also takes hereby a right of way over the remaining land of said owners, shown as Lot 1 on said plan, for emergency and limited purposes, from Canton Avenue to said Lot 2. Such right of way shall be located by the mutual agreement of the owners of Lot 1 and the Metropolitan District Commission, from time to time, so as not to interfere with the development of Lot 1 for residential purposes as more specifically set forth hereinafter, and so as to minimize the disruption of any areas which may be used for dwellings, outbuildings, yards, septic fields, recreational spaces and gardens. Such emergency and limited purposes and frequency of use shall be determined by and between the said owners and the MDC Division of Reservations and Historic Sites, and shall be set forth by separate agreement. Entry to said Lot 2 from the remaining land shall be secured by a locked gate, together with appropriate signage, to be installed and maintained by the Commission and its Division of Reservations and Historic Sites, and such entry shall not be deemed nor constitute a public entry way or exit to and from the MDC Blue Hills Reservation. In addition to the signage to be placed at or near the locked gate, the MDC and the owners of Lot 1 shall be entitled to place appropriate signage along the boundary of Lot 1 and Lot 2, to identify private and public property. No fencing shall be erected on and along the boundary of Lot 1 and Lot 2 without the mutual and express written consent and agreement of the owners of Lot 1 and the MDC Division of Reservations and Historic Sites, which consent shall not be unreasonably withheld.

The concurrence of the Park and Recreation Commissioners of the Town of Milton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is attached hereto and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Fiduciary Trust Company, as Trustee, and Phyllis A. Bartol	$ 150,000.00

AND IT IS FURTHER ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Sections 33 and 79 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for park and reservation and protection of open space purposes, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a conservation restriction in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Milton in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land on the easterly side of Canton Avenue in said Town of Milton, being shown as Lot 1 on a plan entitled "Plan of Land 'Bartol Old Farm' Canton Avenue, Milton, Massachusetts," dated June 14, 1994, and prepared by Robert E. Hannigan Associates, which plan is attached hereto and incorporated herein as Exhibit "A" and shall either be recorded with this order or at a later date and made a part of this order, said Lot 1 containing approximately 56.839 acres as shown on said plan.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Fiduciary Trust Company, as Trustee, and Phyllis A. Bartol	56.839 acres

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, to the following restrictions on the use of the parcel of land hereinabove described:

1. No uses of the property shall be permitted other than those uses directly related to agricultural, horticultural silvicultural and recreational practices and operations, of a private or commercial nature, except in those areas as designated below where dwellings, buildings and related structures shall be permitted. Notwithstanding the foregoing, the owners of Lot 1 shall be entitled to host limited civic functions on the premises consistent with their past use of the property. In no event shall there be more than three (3) such functions held in any calendar year without the express approval of the MDC Division of Reservations and Historic Sites.

2. No construction or placing of dwellings, buildings or structures or parts thereof shall be permitted, except in accordance with the provisions of this instrument.

(a.) For purposes of identifying and delineating the approximate areas where dwellings, buildings and related structures shall be permitted, reference shall be made to the proposed subdivision plan entitled "Standard Development Plan with Sewer, Bartol Old Farm," prepared by Matlock Associates, Lincoln, Massachusetts, which plan is attached hereto and incorporated herein as Exhibit "B". Subject to local zoning bylaws and ordinances, the repair, maintenance, placement, construction, conversion, reconstruction, renovation, and relocation of existing and or new dwellings is expressly permitted within the following Lots as shown on Exhibit B: Lot 4, Lot 12, Lot 13, Lot 16, Lot 17, Lot 18, Lot 22, and Lot 23. Only one dwelling unit shall be placed on that land shown on Exhibit B as comprising Lots 17 and 18, and no subdivision plan shall be submitted for approval

by the officials of the Town of Milton subsequent to the recording of this order, unless such plan delineates a lot which includes at least the approximate area shown on said Exhibit B as Lots 17 and 18, and contains at least (4) acres. Only one dwelling unit shall be placed on that land shown on Exhibit B as comprising Lots 12 and 16. The dwelling presently located on Lot 12 may be moved to, or a replacement dwelling may be constructed on, a different location on Lot 12, a location on Lot 16, or a location that is partially on Lot 12 and Lot 16. Buildings and related structures for the ancillary use of such dwelling shall be permitted on Lot 12 and Lot 16, as shown on said plan. The fee within twenty (20) feet of (and also the fee which includes) the structure which is partially on Lot 4 as shown on Exhibit B shall be deemed an area where dwelling, building and related structures may be permitted, repaired, maintained, constructed, reconstructed, renovated and converted. For the purposes of this document, each lot or dwelling area upon which a dwelling is permitted, shall be deemed to include the fee to the middle or centerline of the roadway immediately adjacent to each such lot or area, as such roadway is shown on Exhibit B. It is the sole responsibility of the owners of said Lot 1 to record the plan referenced herein as Exhibit A, and to prepare and submit subdivision and development plans to the officials of the Town of Milton which accurately define the parameters and perimeters of this document.

(b.) The owners of record (meaning in this document the present owners and each of their successors in title at such time as such successors hold title to all or a portion of the premises) shall expressly retain the right to construct and maintain and repair existing and new temporary outbuildings, such as warming huts, tool sheds, rain shelters and work stations, related to the permitted uses of said property. The owners of record shall also expressly retain the right to construct, maintain, reconstruct, renovate and repair existing and new permanent outbuildings, such as barns, garages, recreational facilities (including but not limited to pools, tennis courts, and changing sheds), greenhouses and tool sheds, related to the permitted uses of said property, provided that the footprint of each such outbuilding does not exceed four thousand (4000) square feet.

3. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land, and to maintain, construct and reconstruct permitted dwellings, buildings and structures, and except as needed to conduct and operate permitted uses. The construction, maintenance and repair of roads, paths, utilities and utility delivery systems, sewer and sewer delivery systems, septic and septic systems, on said Lot 1 (as shown on Exhibit A) is expressly permitted, provided same are not in violation of ordinances and bylaws as promulgated by the Town of Milton.

4. No other acts or uses detrimental to park and watershed protection and preservation, as determined by the duly authorized representatives of said Commission, the Town of Milton, their successors or assigns, or any and all such other authority which shall for any time legally control or hold said restriction, or authority or jurisidiction over the uses permitted on said property.

Reconstruction, renovation, conversion (pursuant to M.G.L. c. 183A, as amended), and repair of any and all existing dwellings, buildings and structures presently on said property is expressly permitted, as well as the removal and relocation of same on or within the designated permitted dwelling areas. Nothing in this instrument shall be interpreted as limiting or restricting the owner of any dwelling properly located (or to be located) on the property subject to this order of taking, from constructing, reconstructing, or creating an accessory apartment as appurtenant to such dwelling, where such accessory apartment is permitted under the Milton Zoning Bylaw or successor land use regulation then in effect. The cultivation and harvesting of crops, flowers and hay, and the placement of temporary seasonal farming structures such as haystacks in connection therewith, is expressly permitted. Also expressly permitted, are i.) the planting of trees and shrubs and the mowing of grass, and ii.) the grazing and keeping of livestock and horses, together with the construction of fencing and the installation of watering facilities for such animals, as necessary in connection therewith.

The conservation restriction hereby taken does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction, or the public, any right to enter upon the land hereinabove described, except that such Commission, its successors, assigns or other authority may enter upon said land at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same. The conservation restriction taken hereby and the terms and provisions hereof, shall run with the land.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Fiduciary Trust Company, as Trustee, and Phyllis A. Bartol	$ 1,950,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $2,100,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from May 23, 1994 to May 30, 1994.

Expenditures $692,717.97

2. The following schedules were approved for payment by the Commissioner during the period from May 30, 1994 to June 6, 1994.

Expenditures $1,701,001.77

Adjourned at 12:35 p.m., to meet on Thursday, June 30, 1994, at 10:00 a.m.

William F. Crosbie
Secretary

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Record of the Three Thousand Six Hundred and Ninety Third (3693rd) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, June 30, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr and Elkort.

The Secretary submitted for signature the following paper which was signed by the Commissioner and two Associate Commissioners:

1. Contract No. P94-1738-M1A, dated June 30, 1994, with F. M. Emergency Generators, Inc., for Maintenance of Prime Power and Emergency Generators at Various Locations FY95 & FY96.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Abounaja, June 23, on bids for Oil and Ground Water Collection and Treatment System, Breakheart Reservation, Saugus. Contract No. P94-1744-C1A.
Account No. 2490-8915.
(Messrs. Faucher and Abounaja recommend acceptance of the lowest bid received, that of Green Environmental, Inc., of $87,888.00).
The Commission V O T E D: to accept the lowest bid received, that of Green Environmental, Inc., of $87,888.00."

3. Report of Messrs. Baratta and Jackson, June 22, recommending approval of the request of the Contractor for an extension of time from November 30, 1994 to June 30, 1995, on Contract No. P89-1561-C6A, with Foye & Letendre Landscaping, Inc., for Cherry Tree Planting, due to late start of Contract and unavailability of the plant materials.
The Commission V O T E D: to approve an extension of time from November 30, 1994 to June 30, 1995, as recommended by Messrs. Baratta and Jackson in their report of June 22, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Mr. Faucher, June 29, requesting approval of an extension of time from June 30, 1994 to July 31, 1994, and to approve an increase in contract cost by $25,000.00, to accomplish some work that is necessary to open the rinks for the fall season on Contract No. P92-1650-M1A, with Lewis Refrigeration Co., Inc., for Maintenance of Refrigeration Systems at Ice Skating Rinks Within the Metropolitan Parks System, while awaiting evaluation of bids received on June 22, 1994, for the new contract.
Account No. 2440-0010.
The Commission V O T E D: to approve an extension of time from June 30, 1994 to July 31, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
The Commission further V O T E D: to approve an increase in contract cost by $25,000.00, which will include an increase of 5% of the individual item rates, on Contract No. P92-1650-M1A, with

Lewis Refrigeration Co., Inc., for Maintenance of Refrigeration Systems at Ice Skating Rinks Within the Metropolitan Parks System, as recommended by Mr. Faucher in his report of June 29, 1994.

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Mr. McGinn, June 24, requesting authorization for Commissioner Bhatti to execute Letter Agreement No. 2, for a six month extension of time from June 30, 1994, for the Wachusett Power Purchase Agreement, between the MDC, New England Power Company and Boston Edison Company, as requested by Massachusetts Water Resources Authority.
The Commission V O T E D: to authorize Commissioner Bhatti to execute on behalf of the MDC, Letter Agreement No. 2, for a six month extension of time from June 30, 1994, for the Wachusett Power Purchase Agreement, between the MDC, New England Power Company and Boston Edison Company, as requested by Massachusetts Water Resources Authority.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

2. Report of Mr. Broderick, June 24, submitting for approval a proposed Peddock's Island cottage - owner occupancy permit for calendar year 1994.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to Recreational Facilities and Programs Division:

3. Report of Miss Connolly, June 23, submitting for approval and execution Agreement with Courageous Sailing Center for operation of the Harry McDonough Sailing Center, South Boston, for a trial season commencing July 5, 1994 and terminating on September 30, 1994, unless sooner terminated.
The Commission V O T E D: to Delete from Agenda.

Action was taken upon the following Various Matter:

4. Report of Mr. Jewett, June 30, requesting approval of the following three (3) Contract-Agreements, for Open Order Contract No. RP94-0003, Surveys for Watershed Land Acquisition and Protection in FY94 - Franklin and Worcester Counties -

	VALUE	PARCELS
Ainsworth Associates, Inc. (formerly C. T. Male) 117 Main Street P.O. Box 1555 Greenfield, Massachusetts	**$14,092.00**	**2**
Cullinan Engineering Co., Inc. 200 Auburn Street P.O. Box 622 Auburn, Massachusetts	**$ 5,295.00**	**1**

Schofield Brothers of New England, Inc. **$10,300.00** **1**
1071 Worcester Road
Framingham, Massachusetts
Mr. Jewett also requests that Commissioner Bhatti be authorized to execute the Contract-Agreements on behalf of the Commission.
Mr. Jewett also requests that Account No. 2420-9883 be added as a source of funding along with previously approved Account No. 2420-1846.
The Commission V O T E D: to approve the three Contract-Agreements, for Open Order Contract No. RP94-0003, Surveys for Watershed Land Acquisition and Protection in FY94 - Franklin and Worcester Counties, as requested by Mr. Jewett in his report of June 30, 1994.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Contract-Agreements on behalf of the Commission.
The Commission further V O T E D: to approve Account No. 2420-9883, as a source of funding along with previously approved Account No. 2420-1846.

Action was taken upon the following matters relation to the Office of Real Property:

1. Report of Mr. Gray, June 29, requesting that the Commission amend its vote of March 10, 1994, which authorized the expenditure of $500,000.00, for costs related to Contract No. RP94-0004, for appraisals for Park Land Acquisition and all purposes consistent with Section 32 of Chapter 564 of the Acts of 1987, and also approved certain appraisal contracts with (9) appraisal firms or independent appraisers, at a total of $352,310.00, by increasing the contracts costs as follows -
   1. Winthrop Real Estate Appraisers - increase of $4,000.00 to $69,275.00 - for appraising Quincy Lumber Site, Quincy.
   2. Leo M. Flynn - increase of $6,500.00 to $59,075.00 - for appraising N & C Realty Parcel, Lynn.
   3. Peter S. Emerson & Associates - increase of $19,425.00 for appraising Quincy Lumber Site, Quincy - N & C Realty Parcel, Lynn and proposed golf course at former Metropolitan State Hospital, Waltham and the business relocation work required by sub-contractor, Peter W. Sleeper Associates (Bacon, Saugus), at a cost of $15,650.00 - a new total of $99,435.00.
   4. R. M. Bradley & Co., Inc., - increase of $4,200.00 to $26,500.00 - for appraising YPA Trust Parcel, Quincy.
   5. Hunneman Appraisal & Consulting Co. - increase of $3,750.00 to $28,750.00 - for appraising YPA Trust Parcel, Quincy.

   the total increase in cost will be $53,525.00.
   The Commission V O T E D: to amend its vote of March 10, 1994, which authorized the expenditure of $500,000.00, for costs related to Contract No. RP94-0004, for appraisals for Park Land Acquisition and all purposes consistent with Section 32 of Chapter 564 of the Acts of 1987, and also approved certain

appraisal contracts with (9) appraisal firms or independent appraisers, at a total of $352,310.00, by increasing the total contracts cost in the amount of $53,525.00.

1. Report of Mr. Gray, June 29, requesting that the Commission amend its vote of March 10, 1994, which authorized the expenditure of $60,000.00, for costs related to Contract No. P94-0005, for Title Examination Services for park lands and all purposes consistent with Section 32 of Chapter 564 of the Acts of 1987, and also approved contracts with (4) title attorneys or law firms, at a total of $26,060.00 - by authorizing the expenditure of an additional $3,700.00, to be used for payment to Tamagini & Bloomenthal, P.C., for title examination of two additional parcels.
The Commission V O T E D: to amend its vote of March 10, 1994, which authorized the expenditure of $60,000.00, for costs related to Contract No. P94-0005, for Title Examination Services for park lands and all purposes consistent with Section 32 of Chapter 564 of the Acts of 1987, and also approved contracts with (4) title attorneys or law firms, at a total of $26,060.00 - by authorizing the expenditure of an additional $3,700.00, to be used for payment to Tamagini & Bloomenthal, P.C., for title examination of two additional parcels.

2. Report of Mr. Gray, June 30, recommending that the Commission approve the transfer in accordance with Chapter 344 of the Acts of 1993, of approximately 1.25 acres of land located in the City of Melrose, from the City of Melrose to the Metropolitan District Commission, acting on behalf of the Commonwealth of Massachusetts, for purposes of rehabilitating, maintaining and operating the Lawrence W. Lloyd Memorial Pool.
The Commission V O T E D: to approve the transfer in accordance with Chapter 344 of the Acts of 1993, of approximately 1.25 acres of land located in the City of Melrose, from the City of Melrose to the Metropolitan District Commission, acting on behalf of the Commonwealth of Massachusetts, for purposes of rehabilitating, maintaining and operating the Lawrence W. Lloyd Memorial Pool, as recommended by Mr. Gray in his report of June 30, 1994.

3. Report of Mr. Gray, June 30, recommending that the Commission amend the vote taken by the Commission at its meeting of June 23, 1994, and the order of taking as adopted with an award of $620,000.00, for the acquisition of approximately 9.917 acres of land owned by Charles M. Goldman, et al, Trustees of Stonybrook Nominee Trust, located in the City of Boston, Massachusetts, by approving an award of damages in the amount of $820,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2440-8886.

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The Commission V O T E D: to amend the vote taken by the Commission at its meeting of June 23, 1994, and the order of taking as adopted with an award of $620,000.00, for the acquisition of approximately 9.917 acres of land owned by Charles M. Goldman, et al, Trustees of Stonybrook Nominee Trust, located in the City of Boston, Massachusetts, by approving an award of damages in the amount of $820,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, as recommended by Mr. Gray in his report of June 30, 1994.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 23, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in the West Roxbury District of the City of Boston, Massachusetts, shown on a plan entitled "Plan of Land, East Boundary Road, Boston, West Roxbury District, Mass.", dated May 7, 1981, by Yunits Engineering Co., Inc., and recorded with the Suffolk Registry of Deeds in Book 9766, Page 134.

Containing, according to said plan 9.917 acres of land, and being the same premises described in a deed from Kaygee Finance Company to Charles M. Goldman, et al, Trustees of Stonybrook Nominee Trust, dated June 1, 1981, and recorded with Suffolk County Registry of Deeds in Book 9766, Page 136.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Charles M. Goldman and Julius L. Shack, Trustees of Stonybrook Nominee Trust	$ 820,000.00

1. Report of Mr. Gray, June 30, recommending that the Commission amend the vote taken by the Commission at its meeting of June 9, 1994, and the order of taking as adopted, for the acquisition of approximately 8.19 acres of land owned by Roy S. Bacon, Trustee of Bacon Associates, located in the Town of Saugus, Massachusetts, by approving the acquisition of approximately 9.01 acres of land in the Town of Saugus, owned by Roy S. Bacon, Trustee of Bacon Associates, et al, with the award of damages and the terms of payment as stated in the vote taken by this Commission at its meeting of June 9, 1994.
Account No. 2440-8886.

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The Commission V O T E D: to amend the vote taken by the Commission at its meeting of June 9, 1994, and the order of taking as adopted, for the acquisition of approximately 8.19 acres of land owned by Roy S. Bacon, Trustee of Bacon Associates, located in the Town of Saugus, Massachusetts, by approving the acquisition of approximately 9.01 acres of land in the Town of Saugus, owned by Roy S. Bacon, Trustee of Bacon Associates, et al, with the award of damages and the terms of payment as stated in the vote taken by this Commission at its meeting of June 9, 1994, as recommended by Mr. Gray in his report of June 30, 1994.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 9, 1994.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Saugus in the County of Essex and Commonwealth of Massachusetts, namely:

Three certain parcels of land in Saugus, bounded and described as follows:

Parcel 1.

A parcel of Marshland, with the buildings thereon, being Lot A-2, on Plans 3009 and 3011, on file in the Assessor's Office of the Town of Saugus, supposed to contain about 7.84 acres.

Parcel 2.

A parcel of Marshland, with the buildings thereon, being Lot A-41, on Plan 3011 on file in the Assessor's Office, supposed to contain .35 acres, more or less.

Being the same premises conveyed to Roy S. Bacon, Trustee of Bacon Associates, by deed of Roy S. Bacon, dated January 25, 1973, and recorded with Essex South District Registry of Deeds in Book 5949, Page 558, and containing approximately 8.19 acres.

Parcel 3.

A certain parcel of land shown as Parcel "A" on a plan entitled "Land in Saugus, Mass., Boston & Maine Railroad to Vincent G. Pendleton, J.F. Kerwin, Ass't Chief Eng'r.", dated April, 1964, and recorded with said Deeds in Plan Book 110, Page 51, and supposed to contain 35,787 square feet, or .82 acres, more or less.

Being the same premises conveyed to Roy S. Bacon, et al, Trustees of CNR Realty Trust, by deed of Theresa H. Pendleton a/k/a Theresa Pendleton, dated December 13, 1985, and recorded with said Deeds in Book 8043, Page 435.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, including the rights of access and egress referenced in said deeds, and including any and all fee interest in Rhodes Street, Norcom Way and Hamilton Street which may be held by the supposed owners on and off said Rhodes Street.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Saugus, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is attached hereto and made a part hereof.

Provided, however, that $ 95,000.00 from the award of $ 600,000.00 as cited below, be set aside to fund the costs for removing potentially hazardous material from said property, by a duly authorized consultant licensed by the state Department of Environmental Protection and selected by this Commission, with any funds remaining from the amount of $ 95,000.00 set aside from said award following the complete removal of such material to be tendered to the supposed owners.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Roy S. Bacon, Trustee of Bacon Associates, and Roy S. Bacon, et al, Trustees of CNR Realty Trust	$ 600,000.00

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from June 6, 1994 to June 13, 1994.

Expenditures $530,318.48

Adjourned at 11:45 a.m., to meet on Thursday, July 7, 1994, at 10:00 a.m.

William F. Cruskin
Secretary

Record of the Three Thousand Six Hundred and Ninety Fourth (3694th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, July 7, 1994 at 10:00 a.m.

Present Acting Commissioner Andrew A. Iovanna, Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on June 9, 1994 were read and approved.

1. At this point, Secretary Chisholm distributed copies of the following letter which was read into the Minutes of the Meeting:

July 6, 1994

Honorable Argeo Paul Cellucci
Acting Governor of the Commonwealth
State House - Room 360
Boston, Massachusetts 02133

Dear Acting Governor Cellucci:

Pursuant to my appointment as Commissioner of the Metropolitan District Commission under the provisions of MGLA Chapter 28, Section 1, and the authority vested in me by Chapter 30, Section 6 of the General Laws, I do hereby designate Andrew A. Iovanna, Director of Finance, to perform the duties entrusted to me by laws during my absence due to illness on Thursday, July 7, 1994, but without the authority to make permanent appointments or removals.

Sincerely,

/s/ M. Ilyas Bhatti

M. Ilyas Bhatti (by Kathleen Coyne, Secretary as authorized by Commissioner Bhatti, Wednesday, July 6, 1994).

MIB:kc

Approved:
/s/ Trudy Coxe
Secretary Trudy Coxe
Executive Office of Environmental Affairs

/s/ Argeo Paul Cellucci
Acting Governor Argeo Paul Cellucci

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

2. Report of Mr. Broderick, July 5, requesting approval and execution of a Management Agreement with the Massachusetts

Audubon Society for Operation of the Blue Hills Trailside Museum for the period from July 1, 1994 through June 30, 1997.
The Commission V O T E D: Approved as requested by Mr. Broderick in his report of July 5, 1994.
The Secretary then submitted for signature Management-Agreement dated July 7, 1994, which was signed by the Acting Commissioner and three Associate Commissioners.

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Robert O'Connor, June 22, on proposals for the purchase of forest products located on the Quabbin, Ware River, Sudbury and Wachusett Watersheds.
The Commission V O T E D: to accept the only qualified bid, that of Chaffee Logging, of $14,000.00; to purchase approximately 281,600 board feet of sawlogs, 45 cords of firewood and 1, 200 tons of pulp on Timber Sale No. 673 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept highest qualified bid, that of Curtis Lumber, of $33,940.29; to purchase approximately 254,876 board feet of sawlogs, 10 cords of firewood and 632 tons of pulp on Timber Sale No. 674 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of W. D. Cowls, of $27,884.00; to purchase approximately 266,570 board feet of sawlogs, 56 cords of firewood and 52 tons of pulp on Timber Sale No. 675 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Wetherby Farm, of $3,060.00; to purchase approximately 5,285 board feet of sawlogs and 186 cords of firewood on Timber Sale No. 676 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Curtis Lumber, of $40,956.60; to purchase approximately 350,475 board feet of sawlogs, 30 cords of firewood and 1,362 tons of pulp on Timber Sale No. 677 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only bid, that of T. Jepson & Son, of $1,500.00; to purchase approximately 66,315 board feet of sawlogs, 42 cords of firewood and 1,451 tons of pulp on Timber Sale N. 217A - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of S & K Logging, of $1,496.00; to purchase approximately 1,720 board feet of sawlogs and 94 cords of firewood on Timber Sale No. 224 - Ware River Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Bruce Cheney, of $175.00; to purchase approximately 2,585 board feet of sawlogs and 21 cords of firewood on Timber Sale No. 225 - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Sawyer Trucking, of $8,418.76; to purchase approximately 105,510 board feet of sawlogs and 40 cords of firewood on Timber Sale No. 226 - Ware River Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Sawyer Trucking, of $2,032.47; to purchase approximately 5,110 board feet of sawlogs and 139 cords of firewood on Timber Sale No. 227 - Ware River Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Sawyer Trucking, of $7,912.45; to purchase approximately 121,730 board feet of sawlogs and 34 cords of firewood on Timber Sale No. 228 - Ware River Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Sawyer Trucking, of $19,003.97; to purchase approximately 208,635 board feet of sawlogs and 144 cords of firewood on Timber Sale No. 229 - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Sawyer Trucking, of $7,877.63; to purchase approximately 88,380 board feet of sawlogs and 96 cords of firewood on Timber Sale No. 230 - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Ducat Lumber, of $6,526.95; to purchase approximately 89,950 board feet of sawlogs and 292 cords of firewood on Timber Sale No. 14 - Sudbury Reservoir Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Bosse Logging, of $800.00; to purchase approximately 156 cords of firewood on Timber Sale No. 97A - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of S & K Logging, of $2,405.80; to purchase approximately 6,940 board feet of sawlogs and 145 cords of firewood on Timber Lot No. 111 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of T. Jepson & Son, of $865.00; to purchase approximately 5,670 board feet of sawlogs and 665 tons of pulp on Timber Lot No. 112 - Wachusett Reservoir Watershed.

Action was taken upon the following Various Matter:

1. Report of Mr. Wright, July 1, requesting approval and execution of Contract-Agreement with Thomas F. McKenna, Esquire, for Professional Services Representing the MDC in Employee and Labor Related Matters Including Hearings Before the Civil Service Commission, Administrative Bodies and Courts of the Commonwealth; and to Provide Such Services as the General Counsel Deems Appropriate in Carrying Out the Legal Responsibilities of the MDC.
Time for Performance - July 1, 1994 to June 30, 1995.
Cost not-to-exceed $30,000.00-$75.00 per hour.
Account No. 2440-0010.
The Commission V O T E D: Approved as requested by Mr. Wright in his report of July 1, 1994.
The Secretary then submitted for signature Contract-Agreement, dated July 7, 1994, with Thomas F. McKenna, which was signed by the Acting Commissioner and three Associates Commissioners.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Haider, July 5, submitting for approval Work Schedule, Project Summary and requesting permission to advertise Project No. P95-1756-C1A, for Lead Abatement, Painting and Improvements to Hull Central Services Complex.
Estimated Cost $500,000.00.
Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher and Kirwin, June 30, recommending approval of revisions in quantities on the following items on Contract No. P92-1633-M1A, with Tri-State Signal, Inc., for Servicing Traffic Signal and Control Systems, Blue Hills and Old Colony Districts -

Item No. 002-010	**$6,300.00**
Materials, Components, Parts and Controls	
Item No. 003-020	**$3,500.00**
Traffic Signal Knockdown Repair	
Item No. 004-010	**$4,800.00**
Controller Technician	
Item No. 004-020	**$4,800.00**
Serviceman	
Item No. 004-030	**$3,500.00**
Helper	
Item No. 005-010	**$ 700.00**
Vehicle	
Item No. 006-020	**$2,400.00**
Vehicle Signal Head 12"	
Item No. 012-0010	**$2,000.00**
Communication System & Clerical Work	
Item No. 013-010	**$2,000.00**
Storage Room and Engineer's Office	
	Total $30,000.00

(Funding available in Account No. 2444-9001-NN.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Kirwin in their report of June 30, 1994.

3. Report of Mr. Faucher and Mrs. Graves-Jones, June 23, recommending approval of revisions in quantities on the following items on Contract No. P92-1632-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts -

Item No. 002-010	**$18,892.25**
Materials, Components, Parts & Controls	
Item No. 004-010	**$ 4,578.75**
Labor rate for Licensed Electrician (Controller Technician)	
Item No. 006-020	**$ 1,800.00**
Vehicle Signal Head Single Section 12" Lens	
Item No. 007-010	**$ 600.00**
Pedestrian Signal Head-Type-A	
Item No. 007-020	**$ 700.00**
Pedestrian Signal Head-Type-B	
Item No. 010-010	**$ 405.00**
Traffic Signal Metal Base-Octagonal	

Item No. 012-010 **$ 1,680.00**
Communication System & Clerical Work
Item No. 013-010 **$ 1,344.00**
Storage Room & Engineers Office
Total **$30,000.00**
(Funding available in Account No. 2444-9001-NN)
The Commission V O T E D: Approved as recommended by Mr. Faucher and Mrs. Graves-Jones in their report of June 23, 1994.

1. Report of Messrs. Faucher and Kirwin, July 6, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P94-1752-M1A, for Servicing Traffic Signal and Control Systems, Blue Hills, Old Colony, Middlesex Fells and Revere Beach Districts.
Estimated Cost $820,000.00
Time of Performance - August 1, 1994 through January 31, 1996
Account No. 2444-9001-NN - FY 95
Source of funding for FY96 to be determined.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from June 13, 1994 to June 20, 1994.
Expenditures $380,301.72

Adjourned at 11:35 a.m., to meet on Thursday, July 21, 1994, at 10:00 a.m.

William T. Crosby
Secretary

Record of the Three Thousand Six Hundred and Ninety Fifth (3695th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, July 21, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract No. P82-1128-C2A, dated July 21, 1994, with John J. Paonessa Co., Inc., for Rehabilitation of Mystic Valley Parkway and a Portion of South Border Road, Winchester.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Machado, June 29, recommending approval of a revision in quantities on Item No. 035-010, Remove and Reset SS Guard Rail - at a cost of $17,325.00 - on Contract No. P92-1653-C1A, with USX Corporation (Cyclone Fence Company), for Installation of Closure Gates, Guard Rail and Fences at Various Locations.
(Cost will be offset by unused quantities in Item No. 056-010 - Furnish and Install - Repair or Replace Steel Picket Fence 5 ft. to 6 ft. High).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Machado in their report of June 29, 1994.

3. Report of Messrs. Faucher and McCalla, June 21, recommending approval of a revision in quantities on Item No. 7, for Equipment, Material and Components and Parts - at a cost of $5,100.00, on Contract No. P92-1644-M1A, with F. M. Emergency Generator, Inc., for Maintenance and Repair of Prime Power and Emergency Generators at Various Locations.
(Cost will be offset by unused quantities in Items 1, 2 and 6).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and McCalla in their report of June 21, 1994.

4. Report of Messrs. Faucher and Sacco, July 15, recommending approval of the following revisions in quantities - in the amount of $2,940.00, and an extension of time from July 26, 1994 to October 21, 1994, on Contract No. P80-0826-C1A, with M. DeMatteo Construction Co., for Repairs to Approaches to Huntington Avenue Overpass -

Item No. 031-010 - 4" Thermoplastic Lines	-	$ 860.00
Item No. 035-070 - 2" Conduit	-	$1,080.00
Item No. 035-090 - #4 Light Cable	-	$1,000.00
Total	-	$2,940.00

(Cost will be offset by unused quantities in Item No. 002-010 - Concrete Deck Removal 0" - 2" depth).
The Commission V O T E D: to approve the revisions in quantities, as recommended by Messrs. Faucher and Sacco in their report of July 15, 1994.
The Commission further V O T E D: to approve an extension of time

from July 26, 1994 to October 21, 1994, on Contract No. P80-0826-C1A, with M. DeMatteo Construction Co., for Repairs to Approaches to Huntington Avenue Overpass, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Lenhardt, June 24, recommending the following on Contract No. P82-1128-C1A, with E. T. & L. Construction Corporation, for Replacement of Aberjona Bridge, Winchester -
(a) That work be accepted as completed as of June 1, 1994.
(b) That Estimate No. 18F (Final), in the amount of $2,932.17, be approved for payment.
(c) That reserve, in the amount of $11,480.45, be approved for payment.
(Basis of Award - $969,537.00)
(Total to Date - $929,608.85)
(Contract Administration Rating - 4.00)
(EEO Compliance - 4.80)
The Commission V O T E D: that the work of E. T. & L. Construction Corporation, Contractor under Contract No. P82-1128-C1A, be and hereby is accepted as completed as of June 1, 1994.
The Commission further V O T E D: to approve Estimate No. 18F (Final), in the amount of $2,932.17, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $11,480.45, for payment.

2. Report of Messrs. Faucher and Lenhardt, July 12, recommending the following on Contract No. P80-0826-D2A, with Andrew Christo Engineers, Corp., for Rehabilitation to the Approaches to Huntington Avenue Overpass, Boston and Brookline -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Invoice No. 24 (Final), in the amount of $142.21, be approved for payment.
(c) That reserve, in the amount of $11,467.29, be approved for payment.
(Basis of Award - $425,000.00)
(Total to Date - $414,672.60)
(Consultant Rating - 8.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Andrew Christo Engineers, Corp., Consultant under Contract No. P80-0826-D2A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Invoice No. 24 (Final), in the amount of $142.21, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $11,467.29, for payment.

3. Report of Messrs. Faucher and Lenhardt, July 13, recommending the following on Contract No. P93-1671-S1A, with Simpson Gumpertz & Heger, Inc., for Emergency Structural Investigation and Study of the Storrow Drive Tunnel -
(a) That work be accepted as completed as of December 31, 1993.

(b) That Invoice No. 5 (Final), in the amount of $7,494.36, be approved for payment.
(Basis of Award - $244,718.00)
(Total to Date - $270,718.00)
(Consultant Rating - 9.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Simpson Gumpertz & Heger, Inc., Consultant under Contract No. P93-1671-S1A, be and hereby is accepted as completed as of December 31, 1993.
The Commission further V O T E D: to approve Invoice No. 5 (Final), in the amount of $7,494.36, for payment.

1. Report of Mr. Jackson, May 23, requesting approval of an Amendment to Contract-Agreement No. P93-1668-X1A, with Wallace Floyd Associates, Inc., for 1994 Landscape Architect Services, which calls for altering the schedule of compensation and the hourly direct labor rates.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Mr. McGinn, July 12, on bids for Non-Hazardous Waste Removal Services - Wachusett Section - FY95 - FY96.
(Mr. McGinn recommends approval of the Contract and award to the only bidder, Waste Management of Central Mass., with a bid of $4,059.00).
Account No. 2420-1400-JJ-J39.
The Commission V O T E D: to approve the Contract for Non-Hazardous Waste Removal Services - Wachusett Section - FY95 - FY96, and award the Contract to the only bidder, Waste Management of Central Mass., in the amount of $4,059.00, as recommended by Mr. McGinn in his report of July 12, 1994.

Action was taken upon the following matter relating to the Central Services Division:

3. Report of Messrs. Kerins, Glavin and Griffin, July 5, recommending award of Rubbish Dumpster Supply Service and Waste Disposal Contracts for the period July 1, 1994 through June 30, 1996, to the low bidders, as follows -
Harbor District - Reliable Rubbish - $130,845.00
Neponset District - Reliable Rubbish - $ 94,962.50
Charles District - Reliable Rubbish - $133,430.00
Mystic District - Reliable Rubbish - $247,175.00
Messrs. Kerins, Glavin and Griffin further recommend award of direct dumping contracts as follows -
Harbor District - SEMASS - $36,519.00
Neponset District - SEMASS - $20,868.00
Charles District - Laidlaw - $39,375.00
Mystic District - Laidlaw - $44,625.00
Account No. 2440-0010.
The Commission V O T E D: Approved as recommended by Messrs. Kerins, Glavin and Griffin in their report of July 5, 1994.

Action was taken upon the following Various Matters:

1. Report of Mrs. O'Brien July 21, recommending approval of and authorization for Commissioner Bhatti, to execute on behalf of the Commission, an Interdepartmental Services Agreement between the MDC and the Massachusetts Highway Department to fund the construction of Paul Revere Landing Park North ($5,145,000.00 for construction and $436,468.00 for personnel) as the first Mitigation Measure of the Charles River Crossing of the Central Artery/Tunnel Project.
The Commission V O T E D: to approve an Interdepartmental Services Agreement between the MDC and the Massachusetts Highway Department to fund the construction of Paul Revere Landing Park North ($5,145,000.00 for construction and $436,468.00 for personnel) as the first Mitigation Measure of the Charles River Crossing of the Central Artery/Tunnel Project, as recommended by Mrs. O'Brien in her report of July 21, 1994.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute on behalf of the Commission, the Interdepartmental Services Agreement between the MDC and the Massachusetts Highway Department.

2. Report of Messrs. Baratta and Gordon Graham, July 20, recommending award of Contract No. P95-1759-X1A, to Weston & Sampson Engineers, Inc., for Consultation and Preparation and Submission of a Management Plan for the Lawful Operation of a Solid Waste Yard at Central Services, East Street, Cambridge Site and authorization for Commissioner Bhatti to execute the Contract-Agreement on behalf of the Commission.
Cost not-to-exceed $30,000.00.
Time for Performance - two months.
Funding from Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Contract-Agreement on behalf of the Commission.

3. Report of Messrs. Baratta and Gordon Graham, July 20, recommending award of a Contract for Solid Waste Disposal from Central Services, East Street, Cambridge Site, to Browning-Ferris Industries at a rate of $29.68 per ton, in a total amount not-to-exceed $50,000.00.
Messrs. Baratta and Graham further request authorization for Commissioner Bhatti to execute the Contract on behalf of the Commission.
Funding from Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the Contract-Agreement on behalf of the Commission.

Action was taken upon the following matter relating to the Office of Real Property:

4. Report of Mr. Gray, July 20, recommending that the Commission

vote to declare surplus and transfer in accordance with the provisions of Chapter 453 of the Acts of 1993, that certain parcel of land located on Canal Street in the City of Malden and comprising approximately .257 acres, for parking purposes, subject to the terms and conditions as set forth by this Commission.

Representative James V. DiPaola, who represents Malden in the Legislature, was introduced and he expressed his endorsement of the transfer. He noted that there is a need for additional parking spaces in the area.

Mr. Gray stated that the Division of Capital Planning and Operations (DCPO) will be negotiating the lease with interested parties and will determine who will be selected to lease the parcel of land. He noted that the MDC will provide DCPO with terms and conditions to be outlined in the lease, so that Commission interests will be protected.

Associate Commissioner Settles requested that a copy of the lease be provided to the Commission, for its review, when it has been finalized by DCPO.

The Commission V O T E D: Approved as recommended by Mr. Gray in his report of July 20, 1994, with the provision that a copy of the lease be presented to the Commission for review when it has been finalized by DCPO.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from June 20, 1994 to June 27, 1994.

   Expenditures $2,291,328.39

2. The following schedules were approved for payment by the Commissioner during the period from June 27, 1994 to July 4, 1994.

   Expenditures $13,058,669.85

Adjourned at 11:35 a.m., to meet on Thursday, July 28, 1994, at 11:00 a.m., at the Quabbin Reservoir Administration Building, Belcherown, Massachusetts.

William F. Quealy
Secretary

Record of the Three Thousand Six Hundred and Ninety Sixth (3696th) meeting of the Metropolitan District Commission duly called and held at the Quabbin Administration Building, Belchertown, Massachusetts, on Thursday, July 28, 1994 at 11:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Elkort and Settles.

The Records of the Commission Meeting held on June 23, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and two Associate Commissioners:

1. Contract No. P94-1711-C1A, dated July 28, 1994, with Riteway Steel, Inc., for Parapet Repair Bowker Interchange, Inbound, Storrow Drive, Boston.

2. Contract No. P94-1744-C1A, dated July 28, 1994, with Green Environmental, Inc., for Oil and Ground Water Collection and Treatment System, Breakheart Reservation, Saugus.

3. Contract No. P94-1740-M1A, dated July 28, 1994, with P. J. Kennedy & Sons, Inc., for Repair or Replace Heating, Ventilating and Air Conditioning Systems at Locks, Draws and Dams.

Action was taken upon the following matters relating to the Watershed Management Division:

4. Report of Messrs. McGinn and Vignaly, June 21, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise Contract No. WM95-056-C1A, for Bioengineered Erosion Controls Implementation.
Estimated Maximum Obligation - $15,000.00.
Time for Performance - 12 months.
Account No. 2420-1400-sub HH.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

5. Report of Messrs. McGinn and Vignaly, June 21, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise Contract No. WM95-052-S1A, for Wachusett Stormwater Management Plan.
Estimated Maximum Obligation - $150,000.00.
Time for Performance - 18 months.
Account No. 2420-1400-sub HH.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

6. Report of Messrs. McGinn and Vignaly, June 21, submitting for approval Work Schedule, Project Summary and Justification, and award of Contract No. WM95-057-S1A, for Stream Gauge Monitoring, to United States Department of the Interior, Geological Survey.
Estimated Maximum Obligation - $43,478.00.
Time for Performance - 12 months.

Account No. 2420-1400 sub HH.
The Commission V O T E D: to approve the Work Schedule, Project Summary and Justification on Contract No. WM95-057-S1A, for Stream Gauge Monitoring, as submitted by Messrs. McGinn and Vignaly in their report of June 21, 1994, and award said Contract to the United States Department of the Interior, at an estimated maximum obligation of $43,478.00.

1. Report of Messrs. McGinn and Vignaly, July 15, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise Contract No. WM95-051-S1A, for Gates Brook Treatment Feasibility Study.
Estimated Maximum Obligation - $80,000.00.
Time for Performance - 12 months.
Account No. 2420-1400 sub HH.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. McGinn and Vignaly, July 15, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise Contract No. WM95-053-S1A, for HazMat Emergency Response Plan.
Estimated Maximum Obligation - $50,000.00.
Time for Performance - 6 months.
Account No. 2420-1400 sub HH.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

3. Report of Messrs. McGinn and Vignaly, July 15, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise Contract No. WM95-054-S1A, for Transportation Release Controls Evaluation.
Estimated Maximum Obligation - $150,000.00.
Time for Performance - 24 months.
Account No. 2420-1400 sub HH.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

4. Report of Mr. McGinn and Vignaly, July 15, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise Contract No. WM95-055-S1A, for Agricultural Best Management Practices Evaluation.
Estimated Maximum Obligation - $45,000.00.
Time for Performance - 12 months.
Account No. 2420-1400 sub HH.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

5. Report of Mr. McGinn, July 25, submitting for approval Work Schedule, Project Summary and requesting permission to negotiate Contract No. WM95-082-S1A, for Wachusett Watershed Protection/Wachusett Task Force Assistance.
Estimated Cost - $25,000.00.
Time for Performance - 12 months.
Account No. 2420-1400.

The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to negotiate Contract No. WM95-082-S1A, for Wachusett Watershed Protection/Wachusett Task Force Assistance.

1. Report of Mr. McGinn, July 25, submitting for approval Work Schedule, Project Summary and requesting permission to advertise Contract No. WM95-080-X1A, for Wachusett Watershed Pilot Household Hazardous Waste Collection.
Estimated Cost - $80,000.00.
Time for Performance - 4 months.
Account No. 2420-1400-JJ.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Mr. McGinn, July 25, submitting for approval a Memorandum of Agreement (MOA) between the Towns of Boylston, Holden, Princeton, Sterling, Rutland, West Boylston and the MDC, for Wachusett Watershed Pilot Hazardous Waste Collection and authorization for Commissioner Bhatti to execute the MOA on behalf of the Commission.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the MOA on behalf of the Commission.

3. Report of Mr. McGinn, July 26, submitting for approval and execution Quabbin Park Cemetery Deed No. Q1703, conveying Lot No. 1384, to Douglas H. Mitchell.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q1703, dated July 28, 1994, which was signed by the Commissioner and two Associate Commissioners."

4. Report of Mr. McGinn, July 27, submitting for approval Work Schedule, Project Summary and requesting permission to advertise Contract No. WM95-062-S1A, for Public Education for On-Site Systems.
Estimated Cost - $25,000.00.
Time for Performance - Six to Eight Months.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

5. Report of Mr. McGinn, July 27, submitting for approval Work Schedule, Project Summary and requesting permission to advertise Contract No. WM95-061-D1A, for Fast-Track Sewer System Design - West Boylston and Holden.
Estimated Cost - $400,000.00.
Time for Performance - Six to Eight Months.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

6. Report of Mr. McGinn, July 27, submitting for approval Work Schedule, Project Summary and requesting permission to advertise

Contract No. WM95-060-X1A, for Pilot On-Site Remediation Program.
Estimated Cost - $150,000.00.
Time for Performance - Eight to Twelve Months.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

1. Report of Mr. McGinn, July 27, submitting for approval Work Schedule, Project Summary and requesting permission to advertise Contract No. WM95-059-S1A, for Model On-Site Management District.
Estimated Cost - $40,000.00.
Time for Performance - Six to Eight Months.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Mr. McGinn, July 27, submitting for approval Work Schedule, Project Summary and requesting permission to advertise Contract No. WM95-058-S1A, for Evaluation of Wastewater Funding Alternatives.
Estimated Cost - $30,000.00.
Time for Performance - Six to Eight Months.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following Various Matter:

3. Report of Mr. Jewett, July 25, requesting authorization for the Watershed Management Division to enter into Contract No. WM95-050-X1A, with Revet Laboratories for a two year contract FY95/96, for Laboratory Services for Water Quality Analysis.
Total Cost - $50,000.00 ($25,000.00 per year - unit price basis).
Account No. 2420-1400.
The Commission V O T E D: to authorize the Watershed Management Division to enter into Contract No. WM95-050-X1A, with Revet Laboratories for a two year contract FY95/96, for Laboratory Services for Water Quality Analysis, as requested by Mr. Jewett in his report of July 25, 1994.

Action was taken upon the following matter relating to the Office of Planning:

4. Report of Mrs. O'Brien, July 21, requesting approval and execution of an Amendment to Contract No. PL92-005-S2A, with Aquatic Control Technology, for Aquatic Plant Management Program at Wares Cove - Phase II, which calls for a comprehensive vegetative inventory of the entire Lakes District, at an estimated cost of $3,240.00, and an extension of time to November 30, 1994.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated July 28, 1994, to Contract No. PL92-005-S2A, with Aquatic Control

Technology, which was signed by the Commissioner and two Associate Commissioners.

Action was taken upon the following matter relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Brooks, July 25, recommending approval of an extension of time from July 31, 1994 to August 31, 1994 on Contract No. P92-1650-M1A, with Lewis Refrigeration Co., Inc., for Maintenance of Refrigeration Systems at Ice Skating Rinks Within the Metro Parks System. (The extension is necessary in order for the Division to comply with Chapter 60, Acts and Resolves of 1994, which authorizes and directs the M.D.C. to extend the skating rink season from September 1, 1994 through April 30, 1995 at four rinks).
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from July 31, 1994 to August 31, 1994, as recommended by Messrs. Faucher and Brooks in their report of July 25, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from July 4, 1994 to July 11, 1994.

Expenditures $4,888,260.35

Adjourned at 12:45 p.m., to meet on Thursday, August 4, 1994, at 10:00 a.m.

William F. Cushman
Secretary

Record of the Three Thousand Six Hundred and Ninety Seventh (3697th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, August 4, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meetings held on June 30, 1994 and July 7, 1994 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and McCalla, June 29, recommending approval of a revision in quantities on Item No. 5, Material Component and Parts - Lump Sum Allowance, at an increase of $6,000.00, on Contract No. P92-1643-M1A, with Coviello Electric & General Contracting Co., Inc., for Electrical Maintenance Work at Sport Facilities & Recreation Areas of the Metropolitan Parks District.
(Cost will be offset by unused quantities in Items 1, 2 and 3).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and McCalla in their report of June 29, 1994.

2. Report of Messrs. Faucher and Brooks, August 1, on bids for Maintenance of Refrigeration Systems Located in Ice Skating Rinks Within Metro Parks System.
Account No. 2440-0010-NN.
(Messrs. Faucher and Brooks recommend acceptance of the lowest bid received, that of Harris Environmental Systems, of $544,710.00).
At this point, Burton J. Hass, Attorney, representing Lewis Refrigeration Co., the only other bidder on the Contract, appeared before the Commission and registered his objection to the award of the Contract to Harris Environmental Systems. He stated that, in his opinion, Harris Environmental Systems was not in compliance with the requirements of the bid document.
Attorney Hass then presented the Commission with a letter, dated August 4, 1994, which outlined the basis of his objections. (A copy of the letter will be placed on file in the Secretary's Office).
Mr. Baratta stated that the Division reviewed all documentation submitted and checked all references and confirmed that Harris Environmental Systems has experience in the repair and maintenance of an ice skating rink refrigeration system. It was also found that their prior work performance was satisfactory, he noted.
Associate Commissioner Elkort expressed her concern regarding the timely opening of the rinks for the 1994 - 1995 season.
Mr. Baratta explained that the 1993 - 1994 contract is still in place and there should be no problem opening the rinks on the scheduled dates.
Attorney Hass, noting that Lewis Refrigeration was granted an extension of time on the 1993 - 1994 rink Contract, assured the

Commission that Lewis Refrigeration Co., will cooperate fully with the Commission in preparing the rinks for the upcoming season.
The Commission V O T E D: to accept the lowest bid received, that of Harris Environmental Systems, of $544,710.00.

1. Report of Messrs. Faucher and Lenhardt, May 13, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P93-1671-D1A, for Design Services for Storrow Drive Tunnel.
Estimated Cost $1,300,000.00.
Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher, Haider and Giella, August 2, on bids for Installation of New Gas Lines and Boiler Systems at the North Central Garage Cluster, Stoneham and at the Nahant Central Garage and at Nahant the Installation of Garage Doors and Sealing Other Garage Door Openings.
(Messrs. Faucher, Haider and Giella recommend acceptance of the lowest bid received, that of Patrick J. Kennedy & Sons, Inc., of $149,500.00).
The Commission V O T E D: to accept the lowest bid received, that of Patrick J. Kennedy & Sons, Inc., of $149,500.00.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Mr. Robert O'Connor, June 10, recommending the following on Contract No. WM94-005-S1A, with Bestman Green Systems, for Sudbury Reservoir Erosion Control -
(a) That work be accepted as completed as of May 24, 1994.
(b) That final payment, in the amount of $850.00, be approved.
(Basis of Award - $4,700.00)
(Total to Date - $4,675.00)
(Consultant Rating - 9.50 - with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Bestman Green Systems, Consultant under Contract No. WM94-005-S1A, be and hereby is accepted as completed as of May 24, 1994.
The Commission further V O T E D: to approve the final payment, in the amount of $850.00.

4. Report of Messrs. McGinn and Robert O'Connor, July 28, on proposals for the purchase of roadside sawlogs located on the Wachusett Reservoir Watershed.
The Commission V O T E D: to accept the only qualified bid received, that of Bosse Logging, of $2,500.00; to purchase approximately 28,200 board feet of logs and 88 cords of pulp, on Roadside Sale No. 4 - Wachusett Reservoir Watershed.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Messrs. Gray and Hart, July 24, requesting the following on Contract No. RP93-001-3, with Alpha Land Surveying Services, for the Park Lands Acquisition Program -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Invoice No. 3 (Final), in the amount of $4,225.50, be approved for payment.
(c) That retainage in the amount of $2,665.50, be approved for payment.
(Basis of Award - $21,940.00)
(Total to Date - $26,555.00)
(Consultant Rating - 8.00 - with 10.00 being excellent)
The Commission V O T E D: that the work of Alpha Land Surveying Services, Consultant under Contract No. RP93-001-3, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Invoice No. 3 (Final), in the amount of $4,225.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $2,665.50, for payment.

2. Report of Messrs. Gray and Hart, July 25, requesting the following on Contract No. RP94-0006-1, with Norwood Engineering Co., Inc., for Professional Land Surveying Services for the Park Lands Acquisition Program -
(a) That work be accepted as completed as of June 16, 1994.
(b) That Invoice No. 1 (Final), in the amount of $9,810.00, be approved for payment.
(c) That retainage in the amount of $1,090.00, be approved for payment.
(Basis of Award - $10,900.00)
(Total to Date - $10,900.00)
(Consultant Rating - 8.50 - with 10.00 being excellent)
The Commission V O T E D: that the work of Norwood Engineering Co., Inc., Consultant under Contract No. RP94-0006-1, be and hereby is accepted as completed as of June 16, 1994.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $9,819.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,090.00, for payment.

3. Report of Messrs. Gray and Hart, July 26, requesting the following on Contract No. RP93-0003-10, with Aneptek Corporation, for Professional Land Surveying Services for Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Invoice No. 4 (Final), in the amount of $4,590.00, be approved for payment.
(c) That retainage in the amount of $2,550.00, be approved for payment.
(Basis of Award - $25,500.00)
(Total to Date - $25,500.00)
(Consultant Rating - 4.00 - with 10.00 being excellent)
The Commission V O T E D: that the work of Aneptek Corporation, Consultant under Contract No. RP93-0003-10, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Invoice No. 4

(Final), in the amount of $4,590.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $2,550.00, for payment.

Action was taken upon the following Various Matter:

1. Report of Mr. Wright, August 2, submitting for approval and execution an Agreement with the Town of Weymouth, Department of State Police and the MDC for joint police protection of all interior and exterior areas of the William A. Connell, Sr., Memorial Pool and Rink.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated August 4, 1994, with the Town of Weymouth, Department of State Police and the MDC for joint police protection of all interior and exterior areas of the William A. Connell, Sr., Memorial Pool and Rink, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matter relating to the Office of Planning:

2. Matter of request of Charles A. Richards, Trustee, Memorial Realty Trust for use of Memorial Drive by Trucks to serve Proposed Super Stop and Shop.
Mrs. O'Brien appeared before the Commission and read the following memo into the minutes of the Commission Meeting -

TO: William F. Chisholm, Secretary
FROM: Planning Office
DATE: August 2, 1994
SUBJECT: Request of Charles A. Richards Trustee, Memorial Realty Trust, for use of Memorial Drive by Trucks to serve Super Stop and Shop

Mr. Charles A. Richards, Trustee, Memorial Realty Trust, has submitted a request to the Commission for permission for commercial vehicles, including vehicles over ten (10) tons, to use a section of Memorial Drive, a parkway currently restricted to pleasure vehicles only, subject to certain terms and conditions.

A. Background

Memorial Drive was transferred to the Metropolitan District Commission (MDC) under the provision of Chapter 509 of the Acts of 1920. Memorial Drive and associated park lands became part of the Metropolitan Park System. The transfer was approved by vote of the citizens of Cambridge. The Cambridge Park Commission had been one the distinguished leaders in the development of parks and the reclamation of neglected and under utilized river bank for public use and enjoyment. The Cambridge Park Commission, like the Boston and Metropolitan Commissions, worked closely with the Olmsted firm in the design and development of their parks, so the area known as Cambridge Parkway appropriately complimented the Charles River Basin. The Metropolitan District Commission has managed the Parkway, now known as Memorial Drive, since 1920 as an integral part of the park system. Memorial Drive has been limited to pleasure vehicles since

it was transferred to the MDC as it is a park road on park land.

B. MDC Rules and Regulations

Rules and regulations governing the use of MDC parkways are set forth in 350CMR 4.00. Rule 10 states that "no person shall operate a truck, bus, camper, trailer or mobile home or any vehicle with a seating capacity of more than twelve (12) persons upon any road, driveway, parkway, boulevard or bridge under the jurisdiction of the MDC which is restricted to pleasure vehicles only, provided, however, that "pickup trucks", so-called, having a gross vehicle weight of five thousand (5,000) pounds or less and a maximum overall height of seven (7) feet or less are permitted. Those vehicles which are prohibited may gain access to a destination situated on, or only accessible by the use of a restricted roadway, by entering from the nearest unrestricted roadway and exiting in the same manner; provided, however that in no case shall a person operate a vehicle having a gross vehicle weight in excess of ten (10) tons upon any roadway of the Metropolitan District Commission except by express written consent of said Commission".

C. Stop and Shop Background

The Stop and Shop Company has operated a store on Memorial Drive since 1947. At present the store is closed (since May 14, 1994). Stop and Shop proposes to rebuild it as a 24-hour a day Super Stop and Shop. The closed store and the two additional buildings on the site (a Salvation Army store and a Strawberries record store) total 64,849 square feet. The proposed store will total 78,071 square feet. The site is to be expanded through the purchase of a city street, Riverside Road, bringing the total site area to 4.98 acres. The parking area is planned to accommodate 255 spaces. Automobiles will access the site from two driveways: one on Magazine Street and one on Memorial Drive. Automobiles will exit from the site at one of three points, one driveway onto Magazine Street and two driveways onto Memorial Drive. A new traffic signal at Magazine Street, to be installed by Stop and Shop, will provide for automobiles travelling east to take a left turn onto Magazine Street and then into the site. Truck access will be handled separately.

The store has signed a purchase and sale agreement with the City of Cambridge for the purchase of Riverside Road. That agreement is contingent upon MDC approval of trucks using Memorial Drive and prohibits trucks from using city streets to access the store as they have done since 1947. Stop and Shop was required to file with MEPA and in January, 1994, submitted the FEIR for the project. The Secretary of Environmental Affairs issued a certificate on March 18, 1994. That certificate approved two schemes for the project, one of which did <u>not</u> require the trucks to use Memorial Drive. However this was not the proponent's preferred alternative.

In May 1994, the Cambridge City Council requested that legislation be filed to allow trucks to travel on Memorial Drive between a Common Way and River Street. The effect of the legislation would be to override the MDC ban on trucks using Memorial Drive. That legislation has not progressed.

D. Stop and Shop Request

By letter dated July 15, 1994, Mr. Charles A. Richards, Trustee of Memorial Realty Trust, requested that the Commission issue a permit for trucks to travel on Memorial Drive (see Attachment 1). Should

the Commission deem it proper to allow trucks of various weights and lengths to travel between the property of the applicant and River Street the following conditions differ from those listed by Mr. Richards in his request, should be considered:

A) Access: Memorial Drive may be accessed through a curb cut from Common Way, so called, which Common Way is approximately 162 feet southerly from the southerly sideline of Pleasant Street, only by trucks serving buildings abutting the Common Way. The design of the curb cut shall be submitted to the MDC for final review and approval prior to construction.

B) Egress: Trucks shall be limited to a "Right turn Only" when exiting to Memorial Drive.

C) Extent of Travel: Trucks shall leave Memorial Drive at River Street by taking a right hand turn. Trucks shall travel only in the right hand lane west bound on Memorial Drive.

D) Hours of Travel: Trucks are allowed on Memorial Drive 7:00 AM to 4:00 PM and from 6:30 PM to 9:30 PM Monday through Saturday. Sunday use is prohibited. The Commission reserves the right to prohibit any truck use of Memorial Drive when major public events are planned (such as the Head of the Charles Regatta, the Walk for Hunger, or University Commencements) or at any other time that public safety and park use needs dictate. The Commission shall advise the permittee as far in advance as possible of these closings.

E) Duration: This permit is non-assignable and terminates upon cessation of use of the property by the permittee as a Super Stop and Shop food market.

F) Compliance: Compliance with all MEPA FEIR (EOEA #9056) mitigation measures shall be completed before the permit becomes effective.

G) Restoration Fund: Because Memorial Drive was not designed or constructed for truck traffic accelerated damage to the parkway corridor is anticipated. The permittee shall make an annual contribution to a fund within the Metropolitan Parks Trust Fund to be known as the Memorial Drive Restoration Fund, which fund may be used at the discretion of the Commission to restore pavement, landscaping and park features in that area of the Charles River Reservation lying between the BU Bridge and the River Street Bridge.

H) Indemnification: The permittee assumes all risk in the operation of this permit and in connection with any and all activities engaged on the Premises, and shall be solely responsible and answerable in damages for all accidents or injuries to person or property, and hereby covenants and agrees to indemnify and hold harmless the Commonwealth of Massachusetts and any of its officers, agents and employees from any and all claims, actions at law, suits inequity, losses, damage or injury to person or property of whatever kind and nature, whether director indirect, arising out of the operation of this Permit, or the carelessness, negligence or improper conduct of the Permittee, or acts of the Permittee's servants, agents or employees.

I) Enforcement: The permittee and the Commission will develop an enforcement plan to monitor public safety with respect to additional traffic to be generated as a consequence of this project with the objective of making public safety changes should they become necessary after six (6) months of operation. The permittee

shall submit a report to the Commission summarizing the experiences of the first six months.

At this point, Mr. Chris Toomey, Attorney, representing Charles A. Richards, Trustee of Stop and Shop, presented a brief history of Memorial Drive, noting that it was donated to the City of Cambridge in 1894 as a public park by Messrs. Warren and Brandies. In 1920, Memorial Drive was transferred to the Commission and became a part of the MDC's Parks System, and subject to its parkway rules and regulations, he explained. At this point, Mr. Charles Richards, Vice President of Stop & Shop, read the following memo: (which was highlighted by a slide presentation)

"Commissioners:

On behalf of Stop & Shop I want to thank you for giving us the opportunity to make a presentation in support of our request for a permit that would allow our trucks to exit onto a short section of Memorial Drive and to share with us our proposed design for the new Super Stop & Shop. When it is completed, we think it will be a project that everyone will be proud of. It will be a project that

will have greatly improved the appearance of the site;
will have created new construction jobs;
will have created new permanent jobs
and that will give our customers a modern, convenient store, with a wide variety of products -- one stop shopping.

Before I present our design, and outline the various aspects of our proposal, let me briefly review some of the history of the Cambridge Stop & Shop.

We built this store on Memorial Drive in the late 1940's. At the time, it was state-of-the-art, and was our first modern supermarket. We've been a neighbor on this site for well over 40 years, and have served generations of customers. After nearly five decades though, the store was showing its age and no longer offered our customers the variety and convenience we are now capable of providing and that the public deserves. The store was losing money and had to be closed in May.

About five years ago, we approached the city with an offer to purchase Riverside Road so we could replace the old store with a modern one.

We said that if the city agreed, Stop & Shop would construct only a new prototype super store of approximately 64,000 square feet on the site. We added that we would need a traffic light and other approvals from the M.D.C. as well as all city permits and approvals necessary to build the store.

Since that time, we have invested a lot of time, effort and resources to make sure that we created the best plan possible.

We retained Robert Vanasse Associates to conduct a full-scale traffic study and additional surveys to better understand how our customers travel to the site.

With this data in hand, we approached M.D.C. and city officials and our neighbors.

We engaged Cambridge architect Dennis Carlone to design our new

store. He met individually with our neighbors, reviewed our site plan and traffic study data with them, and listened to their concerns and suggestions.
We greatly appreciate all the comments we received throughout this long process.
Here is a map of the area. Memorial Drive, Magazine Street, our old store, the Shell Gas Station, other buildings on the site and the Howard Johnson's Hotel.
Here is a photo of the existing site, showing the various buildings and stores, all of which would be demolished to make way for the new store.
Here is an early version of our new site plan: Memorial Drive, Magazine Street, the Shell Gas Station, the Howard Johnson Hotel, our residential neighbors, and our new store facing toward Magazine Street, -- with its fully enclosed loading docks up against the Hotel Service area, and a full working traffic light at the end of Magazine Street. Here's how trucks will enter, back into loading platforms here, and exit onto Memorial Drive. Notice the green landscaped islands in the parking lot, and how they will discourage traffic from cutting through the lot as it does now. We expect to have about 255 parking spaces. An available easy left turn from Magazine Street onto Memorial Drive will reduce traffic down Granite Street which presently cuts across to use Brookline Street for access to the Drive.
Our traffic flow improvements are based on recommendations that came out of an extensive traffic study undertaken for us by Vanasse & Associates.
We also received comments on traffic from the M.D.C., city officials, neighbors, and representatives of the Morse School.
As a result of the data, we have cut the number of driveways to our site from 8 to 5; we have designed the site for delivery trucks to enter via Florence Street and exit via Memorial Drive, staying away from the parking lot and the Morse School. We have proposed a traffic light for the Magazine Street/Memorial Drive intersection, which will eliminate all other left turns onto Memorial Drive, and have used landscaped traffic islands and sidewalks to keep cars and pedestrians separate in the parking lot. We will be making significant improvements to the Memorial Drive intersections with River Street and Western Avenue.

About 2,600 cars came to our store parking lot during the 15 hours we were open each day. And about 24 percent of our customers arrived on foot, which is a much higher number of pedestrian customers than normal for our suburban stores.
Using a formula that projects the highest number of additional cars, we could expect when our new store is open 24 hours, the car count would increase to 3,900 on a busy weekday. We actually anticipate somewhat fewer cars however, because of the high percentage of customers who arrive on foot and by bicycle.
Here is what we are proposing to build here in Cambridge. We feel this unique site on Memorial Drive deserved a fresh design review. We asked our architect to keep our standard layout for the inside of the store and to design an exterior that would be compatible with the area and have the appearance of several smaller stores rather than on large building, and the following are the product of his

efforts.
Here is the front of the store as we propose to build it, facing Magazine Street and due south.
Here is the side of the store facing our neighbors on Florence Street.
Here is the rear of the new store with the fully enclosed rear delivery and service area facing the Howard Johnson's Hotel. Since this slide was prepared, we have agreed to full enclosure - not just a roof.
Here is the west elevation of the new store which would face the Drive.
We expect this magnificent building to be an award winner. This is a perspective rendering of how the new store will actually look to the motorist or pedestrian. This design will help the store be distinctive but fit in with the neighborhood and with Memorial Drive. The features, including windows, make this building distinctive and very appropriate for the site.
We have not neglected the parking lot either, and we retained a Landscape Architect to consult with our residential neighbors and the M.D.C. staff and to prepare a detailed landscaping plan for the site which would be both attractive and appropriate.
Here is the plan. It has approximately 30,000 square feet of the site devoted to various forms of lawn and landscaping which provides for 100 trees of all sorts.
You can see the substantial buffer along Memorial Drive and another buffer along the rear property line between our development and our residential neighbors.
This may give you a better idea of how the Memorial Drive buffer will work.
We are delighted that this plan will break up the expanse of asphalt parking lot so that the site will no longer resemble its present condition but instead will compliment our magnificent new building.
Our recently revised plan with a slightly smaller building is our best, good faith effort, to be responsive to the M.D.C., city officials and our abutters, while at the same time creating a store that will become a landmark in its own right and which will offer the entire neighborhood the high quality shopping experience that everyone deserves.
Let me review the many features we have incorporated into our design:
We have:

- Reduced the height of the building wall on the neighborhood side.
- Added windows and other design features along the Drive and elsewhere to give the building more human scale.
- Added landscaping and buffers to help screen our parking lot from motorists on Memorial Drive and from our neighbors.
- Constructed a fully enclosed truck delivery and service area to shield the neighbors from truck noise.
- Screened the roof top air conditioning units from view and to reduce their noise.
- Included a pedestrian sidewalk from Florence Street to Magazine Street.
- Agreed to restrict the future height and density of a small portion of our property, which must be re-zoned for business

use, to only that permitted in the residential zone.

- Agreed to conduct pre-construction surveys of the 6 houses directly abutting the rear of our property in order to allow them to identify even the most minute damage that might occur as a result of our construction.
- Improved the curb geometry at the Common Way and River Street intersections with Memorial Drive so that all trucks will stay only in the curbside outbound lane when exiting the site.
- Replaced the controllers and cabinets at Memorial Drive intersections with both River Street and Western Avenue, installing new multi-phase controllers and coordinating units.
- Installed conduit and cable for hardwire interconnection of the Memorial Drive intersections of River Street and Western Avenue.
- Replaced two signal posts and accompanying signal displays on the southeast corner of the Drive and River Street to accommodate an increased turning radius.
- Provided new or repainted pedestrian crosswalk markings at the Pleasant Street, Florence Street, Magazine Street, and Granite Street intersections within the study area, and installed pedestrian crossing warning signs at these locations where applicable.
- Constructed a new sidewalk along the Memorial Drive site frontage.
- Reduced the five existing Memorial Drive curb cuts to three new and upgraded driveways allowing only right turns in and out.

We are very excited about this project. It will produce a number of important benefits:

200 temporary construction jobs;
permanent full-time and part-time jobs;
Additional taxes paid the state and city;
A safer area road system with a new traffic light;
A significantly beautified and improved property;
A safer parking lot and a state of the art supermarket that will serve our Cambridge customers well into the 21st century.

To do all this, we need your help. Your approval of our permit request would remove a major obstacle to the replacement of our 47 year old Cambridgeport/Riverside Stop & Shop with a beautiful new store.

The central issue is that due to the unique and difficult constraints of our Memorial Drive site, the only safe, accessible and feasible site plan requires limited access for outbound delivery trucks to exit the site and travel just 350 yards on Memorial Drive to River Street.

Many M.D.C. roadways are closed, quite properly, to general truck traffic. Our restricted truck access would not undermine this policy. M.D.C. regulations allow trucks of up to 10 tons on M.D.C. roadways if there is no feasible alternative, and further allow trucks with a weight in excess of 10 tons to use such roadways with the consent of the Commission. A non-precedent-setting permit based on these unique site restrictions, the extensive mitigation to which we have agreed and our historic legal rights to Memorial Drive, can be crafted to protect Memorial Drive and other M.D.C. roadways. I understand that the Transportation Bond Bill also includes language that would eliminate any possibility of this becoming a precedent. Restricted permission and our beautifully redesigned development

would be consistent with the M.D.C.'s mission to maintain the character and asthetics of the Charles River and the Charles River Basin Historic District and with the M.D.C.'s stringent development standards. Our company respects that mission and so does our proposed project. The project in fact will enhance that mission through substantial improvements: to existing site conditions, traffic safety, air quality, pedestrian access and use, improved drainage, reduction in water use and wastewater discharge and reduction in noise impacts. Our project also is consistent with the quality of development along the Charles River. We are committed to management practices here to insure that our store not only is designed and built, but also is operated and maintained, in a manner consistent with, and supportive of, the M.D.C.'s mission.

In February we made the new store smaller which enabled us also to pull it back to be 20 ft. from the Drive as the M.D.C. staff had so strongly requested. I should also note that our existing buildings encumber 400 ft. of the Memorial Drive frontage but our new building will utilize only about half of that, providing substantially more open space and improved views from the Drive as well as from the neighborhoods.

We did not seek this restricted approval from the M.D.C. until we had made several unsuccessful attempts to engineer a workable alternative.

The proposed development scheme is the only accessible, feasible alternative which insures the safety of school children, pedestrians and customers, protects residential abuttors and minimizes truck impact on both city streets and Memorial Drive.

Since we began our Cambridge superstore development effort five years ago, we have invested thousands of hours and hundreds of thousands of dollars in development costs. During that time, we have opened 42 new superstores (Nearly one half of our chain total), and we will open ten more this year.

Last year the Cambridge City Council voted 6 to 3 to sell us Riverside Road, a paper street which runs through our property, and in November we signed a P & S Agreement with the city, subject to your approval of our necessary truck permit. Earlier this year the Secretary of Environmental Affairs, after a thorough review of our Final Environmental Impact Report, concluded that our E.I.R. "adequately and properly complies with the Massachusetts Environmental Policy Act..." The Secretary went on to say that we have "committed to improve the overall project through a reduction in access driveways, better landscaping and screening, enhanced pedestrian and bicycle access, improved drainage control, and a reduction in water use, wastewater discharge and noise impacts.

In May, however, we concluded, with regret, that this project likely would not go forward, but it has been revived by the efforts of hundreds of our neighbors in the Cambridgeport/Riverside communities, who strongly favor construction of the new store.

We are here today to ask you to approve our request for a permit and help bring this issue to a successful conclusion. Again, thank you for your time and for your consideration of our request.

At this point, Mr. Kenneth E. Reeves, Mayor, City of Cambridge,

noted that the matter of permitting trucks on Memorial Drive is a difficult issue.
He then stated that the Cambridge City Council, on June 28, 1993, directed the City Manager to begin the process for the conveyance of Riverside Road, subject to approval of the MDC, for travel of trucks on Memorial Drive from the Stop & Shop to River Street.
He noted that on May 16, 1994, the Cambridge City Council urged the MDC to allow delivery trucks on Memorial Drive.
Mayor Reeves went on to state that many people in the area do not own cars and, therefore, are dependent on Stop & Shop for food.
He then noted that a large majority of area residents support the new Stop & Shop.
He then explained that he was ready to work with the MDC regarding the new Stop & Shop and truck access to Memorial Drive.
Kathleen Born, Cambridge City Councilor, stated that she was opposed to locating a Super Stop & Shop at the proposed site.
She spoke of the adverse effect on the neighborhood and the adjacent parkland. She then stated that a major concern is also public safety, noting that the roadway is not wide enough to accommodate trucks. She stated that the area does not need an 80,000 square foot food store, pointing out that other food chains are willing to move to the site if Stop & Shop moves out.
Councilor Born then stated that if the Permit is assignable a different type of business could operate from the location causing problems.
Michael Sullivan, Cambridge City Councilor, expressed his support for opening up the 350 yard section of Memorial Drive for access to a Stop & Shop Super Store. He spoke of the lack of food stores in the area, and the many senior citizens who do not have cars to use for shopping in other areas. He also spoke of the jobs which will be opened up for area residents.
State Representative Alvin Thompson stated that he has had many calls both pro and con regarding opening Memorial Drive to trucks. He then noted the issues to be balanced out are the need for a supermarket and the issues of community safety and the access of 18 wheel trucks on Memorial Drive. He went on to say that as a result of the closure of the Stop & Shop, many senior citizens and lower income neighbors, who do not have transport to another grocery store, have been left without a means to shop for food.
This concern, he noted, must be coupled with the very real concern for the safety of young children attending Morse School and also residents of the area. The increased traffic in the area caused by a super store is of great concern, he stated. He then spoke of the concerns of some residents whose property abuts the Stop & Shop. These residents, he noted, will not only face a decrease in property value they will also be inconvenienced by construction noise and 24 hour traffic.
In closing, he stated that all parties must proceed with care, caution and great consideration concerning the Super Stop & Shop.
Timothy Toomey, Cambridge City Councilor and State Representative, stated that he is opposed to the Super Store as presently designed. He then stated that if the ban is removed Stop & Shop must agree that if they move from the proposed location they will not object to the MDC re-imposing the truck

ban on Memorial Drive.
He then spoke of his concerns with the safety of children in the area and also the destruction of the Parkway by the use of trucks.
He then spoke of his concerns regarding hours that deliveries will be made using Memorial Drive.
William Sage of Howard Johnson's Hotel, Memorial Drive, questioned if the MDC has the authority to lift the Memorial Drive truck ban. He then spoke of the adverse effect the trucks would have on his adjacent hotel business. Mr. Sage then showed a video of a test run of an 18 wheel truck exiting onto Memorial Drive.
Gerald Bergman, of Cambridge, stated he was in favor of lifting the ban, noting that low and moderate income people need a store in the area.
At 12:25 P.M., the Commission voted to recess. The Meeting was called back to order at 1:10 P.M.
Richard Berkman, Attorney, representing Fenway Cambridge Motor Hotel, Inc., stated he reviewed the application for trucks to travel on Memorial Drive and objects to any grant by the MDC of the requested permission. He stated that under Paragraph 10 of the MDC Traffic Regulations and Rules for Driving (350 CMR S4.01), trucks weighing more than 5000 pounds may gain access to a destination on Memorial Drive only by entering Memorial Drive from the unrestricted roadway nearest to the destination and exiting in the same manner. In addition, he stated, trucks weighing more than ten tons may enter and exit only with the express written consent of the MDC.
He then noted that the request was not in compliance with Commission Rules and Regulations and asked that it be denied.
Don Phinney of USCW, Local 1445, representing certain Stop and Shop employees, noted that when the old Stop and Shop closed 88 jobs were lost. He then spoke of the 366 positions to be created for the new store and asked that the Commission vote to approve the request of Mr. Richards.
Mr. Robert Zimmerman, representing the Charles River Watershed Association, spoke in opposition to the request. He stated that he is not opposed to a store at the location, but the size of the store. He then spoke of safety considerations for Memorial Drive, noting that many trucks will be using the Drive leading to a request for more travel lanes on this section of the Drive.
Dan Geer, of the Cambridge Citizens for Liveable Neighborhoods, stated that he was opposed due to safety issues in the area.
Mary Buscher, who presented the Commission with over one thousand four hundred signatures in opposition to the request, stated that her main concern was safety of the children who live in the area.
Pat Sekler, who lives in the neighborhood, spoke in opposition to the request, citing the need for safe open spaces for present and for future residents of the area.
P. Matsumiya, representing Senator Travaglini, spoke in support of the request. She noted that 30% of residents of the area do not have cars and, therefore, need a local food store.
Pebble Gifford, representing the Harvard Square Defense Fund, stated that her group is opposed to granting Stop & Shop a permit to use a section of Memorial Drive for truck traffic. She

stated that if Stop and Shop utilized a conventional sized building their would be no need for truck traffic on Memorial Drive. She then spoke of safety issues involved with the use of Memorial Drive.
Frances Wirta, a local resident, spoke of the need for a Stop & Shop in the area.
Constance Yee, a local resident, spoke in favor of lifting the ban. She stated that not having a store in the area creates a hardship for the elderly and those who must walk a great distance to food store.
Deborah W. Kirchway, representing the Conservation Law Foundation (CLF), read the following letter from her organization -

> You have already made the right decision once, when you expressed your continued support for the historic truck ban on Memorial Drive. Although the political pressure on this issue is enormous, the MDC should adhere to its original decision to deny Stop & Shop a waiver of the truck ban, not only because it is the "right thing", but because the law supports the MDC's original position.
>
> The MDC is no doubt aware of the various positions on this issue taken by different sectors of the public. The concerns are many and valid - on the one hand, public safety, increased traffic congestion, setting a bad precedent,the negative impact on local small businesses, and the additional visual blight and noise which almost 200 large trucks would impose on the parks along Memorial Drive; on the other hand, the neighborhoods's need for a grocery store.
>
> CLF shares many of these concerns, especially the precedential effect of granting any kind of waiver. Right now there is a "bright Line" rule - commercial trucks are simply prohibited from Memorial Drive and other parkways. If the MDC allows this exception to the bright line rule, it will be forced to continuously weigh the political, economic and social pressures for allowing trucks against the aesthetic, recreational and historic reasons for banning trucks. Memorial Drive could become another Mass. Pike.
>
> In addition to setting a bad precedent, a waiver of the truck ban would be legally problematic. Under the Massachusetts Constitution, statutes and common law, parkways like Memorial Drive (and all other land taken for particular purpose) are protected from anything that changes their original purpose. Granting a waiver would change the nature of the parkway and thus require approval of both the legislature and of Cambridge residents. The Conservation Law Foundation urges the MDC to consider the legal issues before it takes a final vote on the waiver.

James Williamson, of Cambridge, expressed his opposition to issuance of a permit for trucks usage of Memorial Drive.
Marianne Lazarus, of Cambridge, expressed her concerns regarding safety of those using the area if a Permit, is issued.
Carolyn Mieth, of the Coalition for Alewife, expressed her opposition to the request due to safety reasons. She then noted that she had witnessed a demonstration of an 18 wheel truck having a difficult time trying to negotiate a turn onto Memorial Drive.
Stash Horowitz, of the neighborhood, stated that a grid lock would be created on Memorial Drive if and when a permit is

issued. He noted that very few trucks make their way onto Memorial Drive at the present time.
John Gatti, of the Massachusetts Organization of Scientists and Engineers, spoke in opposition to the request.
Don Daley, of the neighborhood spoke in opposition.
Anastasia Manolus, of the neighborhood, spoke in opposition.
Mark Boyes-Watson spoke in favor of the request noting the great need for a food store at the present site. He asked those in favor of the request to stand - (15 of the approximately 75 in attendance stood-up).
Diane Tabor, of the neighborhood, stated her opposition to the request noting that a better solution is needed.
Fred Reece, of the neighborhood, spoke in favor of the request.
Paul Wingle, of the Environmental League of Massachusetts, spoke in opposition to the request.
John Lewis, of the Sierra Club, registered his group's opposition to the request.
Alice Herrend, of the neighborhood, voiced her support for the issuance of a permit.
Juanita Sandler, of the neighborhood, spoke of the need for a food store in the area.
Dom Bozzotto, of the Hotel Workers Union, spoke in opposition to the issuance of a permit. He noted that the noise and fumes created by the 18 wheel trucks will have an adverse effect on the adjacent Howard Johnson's Hotel and its employees. He then noted that Stop & Shop is only providing 250 parking spaces, this he felt was not sufficient.
Laura Sheffield, of the neighborhood, spoke of the need for a food store in the area.
At this point, Associate Commissioner Carr stated that he felt the quality of the testimony given by the proponents and opponents was outstanding.
Associate Commissioner Carr then expressed his concerns regarding the following -
He was not sure if the Commission has the authority to issue an assignable Permit to the Stop & Shop.
He questioned if Mr. Richards, representing the Stop & Shop, had a problem with an indemnification clause in the Permit.
The Commission then addressed the matter of hours that the trucks would be permitted on Memorial Drive. It was determined that the hours would be reviewed by staff and a final recommendation will be made as part of the suggested Permit. However, Mrs. O'Brien noted, no trucks would be allowed on Sundays or days that special public events will be taking place in the area adjacent to Memorial Drive or on the Drive. Mr. Richards stated he had no problem with the aforementioned.
Associate Commissioner Elkort expressed her concerns regarding the turning radius needed by the trucks to enter Memorial Drive.
Joseph Stupaar, of Vanasse Associates, Inc., representing the Stop & Shop, presented a rendering of the proposed entrance onto Memorial Drive, from the Stop & Shop, which showed how the curb line will be modified to accommodate the trucks. This curb cut, he noted, will be submitted to the MDC for review and approval.
At this point, Mr. William Sage of the Howard Johnson Hotel stated that he will have to seek the same type of Permit for his

business as that which will be issued to the Stop & Shop as with the Stop & Shop's plan there will be no other way to service the hotel. Associate Commissioner Settles stated that much work remains to be done before a Permit can be issued - such as hours of use of Memorial Drive, a non-assignability clause, are there enough parking spaces, etc.

Cambridge City Councilor Kathleen Born questioned indemnification. She asked if the Stop & Shop will assume all responsibility for any accidents caused by trucks using Memorial Drive for Stop & Shop deliveries.

At this point, Commissioner Bhatti thanked everyone in attendance and stated that the Commission will respect the Parkland and will make every effort to insure the safety of all who use Memorial Drive and its adjacent park land.

On motion of Associate Commissioner Carr, the Commission voted to approve, in concept, the use of a 350 yard portion of Memorial Drive by trucks to serve the proposed Super Stop & Shop, with Commissioner Bhatti and staff to negotiate the details of the permit, taking into consideration Mrs. O'Brien's memo to the Commission, dated August 2, 1994, and the request of Charles A. Richards, Trustee, Memorial Realty Trust, for use of Memorial Drive by trucks to serve proposed Super Stop & Shop, and present a draft permit to the Commission for action.

The Commission then requested that all legal issues which were discussed be fully addressed by staff.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from July 11, 1994 to July 18, 1994.

Expenditures $3,342,205.24

Adjourned at 5:15 p.m., to meet on Thursday, August 11, 1994, at 10:00 a.m.

William T. Cavell
Secretary

, 1994

Record of the Three Thousand Six Hundred and Ninety Eighth (3698th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, August 11, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on July 21, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract No. P94-1727-C1A, dated August 11, 1994, with Great Northern Corp., for Demolition and Disposal of Belmont Skating Rink, Belmont and the Martin House, Milton.

2. Contract No. P94-1742-M1A, dated August 11, 1994, with Armor Elevator Company, Inc., for Maintenance of Elevators at MDC Headquarters Building FY95/FY96.

3. Contract-Agreement No. WM94-007-S1A, dated August 11, 1994, with GZA GeoEnvironmental, Inc., for Emergency Site Investigation at Goodnough Dike, Quabbin Reservoir.

4. At this point, on motion of Associate Commissioner Carr, the Commission commended staff for their expedience in processing the aforementioned Contracts.

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher and Lenhardt, August 2, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P94-1747-C1A, for Bridge Expansion Joint Repairs.
Estimated Cost $65,000.00. Account No. 2490-8910.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to Advertise.

6. Report of Messrs. Faucher, Haider and Giella, July 25, recommending the following on Contract No. P94-1731-C1A, with Tar-Vel Roofing Co., Inc., for Roof Replacement at the North Central Garage Cluster, Stoneham -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 2 (Final), in the amount of $14,311.75, be approved for payment.
(c) That reserve, in the amount of $6,550.00, be approved for payment.
(Basis of Award - $131,000.00)
(Amount to Date - $131,000.00)
(Contract Administration Rating - 4.50)
(EEO Compliance - 5.00)
The Commission V O T E D: that the work of Tar-Vel Roofing Co., Inc., Contractor under Contract No. P94-1731-C1A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $14,311.75, for payment.

The Commission further V O T E D: to approve release of reserve, in the amount of $6,550.00, for payment.

1. Report of Messrs. Faucher and Machado, August 2, recommending approval of an extension of time from August 27, 1994 to October 27, 1994, on Contract No. P92-1653-C1A, with USX Corporation (Cyclone Fence Company), for Installation of Closure Gates, Guard Rail and Fences at Various Locations in the Metropolitan District Commission.
Messrs. Faucher and Machado further recommend approval of a revision in quantities on Item No. 058-010 - Transportation Vehicle, in the amount of $2,400.00.
(At no additional cost to the Commission as there are sufficient unused quantities in Item No. 056-010 - Furnish and Install - Repair or Replace Steel Picket Fence 5' to 6' High, to offset cost of revision).
The Commission V O T E D: to approve an extension of time from August 27, 1994 to October 27, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
The Commission further V O T E D: to approve the revision in quantity on Item No. 058-010 - Transportation Vehicle, as recommended by Messrs. Faucher and Machado in their report of August 2, 1994.

2. Report of Messrs. Faucher and Sacco, August 2, recommending approval of the following on Contract No. P90-0826-C1A, with M. DeMatteo Construction Company, for Repairs to Approaches to Huntington Avenue Overpass, Jamaica Plain -

Extra Work Order No. 5	**$ 6,901.62**
Additional Landscape Improvements	
Alteration No. 8	**$ 390.00**
8" Painted Traffic Lines	

Messrs. Faucher and Sacco further recommend that the Commission ratify and approve the action taken by the Division on the following -

Extra Work Order No. 6	**$ 4,551.08**
Closing the Median on Huntington Avenue	
Extra Work Order No. 7	**$10,000.00**
Management of Contaminated Fill	
Total -	**$21,842.70**

(At no additional cost to the Commission as there are sufficient unused quantities in Item No. 036-010 - Traffic Control Services, to offset cost).
The Commission V O T E D: to approve Extra Work Order No. 5, in the amount of $6,901.62.
The Commission further V O T E D: to approve Alteration No. 8, in the amount of $390.00.
The Commission further V O T E D: to ratify the action taken by the Division and approve Extra Work Order No. 6, in the amount of $4,551.08.
The Commission further V O T E D: to ratify the action taken by the Division and approve Extra Work Order No. 7, in the amount of $10,000.00.

1. Report of Messrs. Baratta and DiPietro and Miss Clutchey, August 5, requesting approval of and authorization to advertise Service Contract No. P95-1765-X1A, for Installation Services for the Air Quality Monitoring System at MDC Skating Rinks.
Estimated Cost $100,000.00.
Time for Performance - Six Months.
Account No. 2490-0016.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to Advertise.

2. Report of Mr. Faucher and Mrs. Graves-Jones, August 4, on bids for Servicing Traffic Signal and Control Systems, Blue Hills, Old Colony, Middlesex Fells and Revere Beach Districts.
Account No. 2444-9001-NN.
(Mr. Faucher and Mrs. Graves-Jones recommend acceptance of the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $851,595.00).
The Commission V O T E D: to accept the only bid received, that of Coviello Electric and General Contracting Co., Inc., of $851,595.00.

3. Report of Messrs. Baratta and Gordon Graham, August 1, submitting for approval and requesting authorization to advertise Service Contract No. P95-1763-X1A, for the Services of a Licensed Site Professional - to oversee the assessment and clean-up of as many high priority sites as funds will allow. Upset Limit of the Service Contract will be $50,000.00 - paid on a hourly basis.
Time for Performance - 12 months.
Account No. 2490-0012.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matters relating to the Watershed Management Division:

4. Report of Ms. Austin, July 25, recommending the following on Contract No. WM93-014-S1A, with Thomas Schueler - c/o Center for Watershed Protection, for "Assist Local Towns and Agencies to Implement Best Management Practices for Water Quality" -
(a) That work be accepted as completed as of June 25, 1994.
(b) That Invoice No. 938062 (Final), in the amount of $2,500.00, be approved for payment.
(Basis of Award - $10,000.00)
(Amount to Date - $10,000.00)
(Contract Administration Rating - 9.00 - on a scale of 1.00 to 10.00 with 10.00 being excellent).
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Thomas Schueler - c/o Center for Watershed Protection, Consultant under Contract No. WM93-014-S1A, be and hereby is accepted as completed as of June 25, 1994.
The Commission further V O T E D: to approve Invoice No. 938062 (Final), in the amount of $2,500.00, for payment.

1. Report of Messrs. McGinn and Kane, August 3, recommending approval of an extension of time from August 25, 1994 to November 18, 1994, on Contract No. WM93-072-C1A, with M. L. Schmitt, Inc., for Replacement of Transformer's and Standby Generator at Quabbin Hill Tower Facility, Quabbin Reservoir, Ware, Massachusetts, in order to allow sufficient time for delivery of specialized transformers and emergency electrical generating equipment at the Quabbin Tower.
(At no additional cost to the Commission).
The Commission V O T E D: to approve an extension of time from August 25, 1994 to November 18, 1994, as recommended by Messrs. McGinn and Kane in their report of August 3, 1994, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Mr. McGinn, July 26, recommending the following on Contract No. WM94-061-X1A, with U. S. Department of Agriculture - APHIS, for "Gull Control - Wachusett Reservoir" -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Invoice No. AG-34-7225-1 (Final), in the amount of $2,638.00, be approved for payment.
(Basis of Award - $2,638.00)
(Amount to Date - $2,638.00)
(Contract Administration Rating - 9.00 - on a scale of 1.00 to 10.00 with 10.00 being excellent).
The Commission V O T E D: that the work of the U.S. Department of Agriculture - APHIS, for Gull Control - Wachusett Reservoir, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Invoice No. AG-34-7225-1 (Final), in the amount of $2,638.00, for payment.

3. Report of Mr. McGinn and Ms. Crocker, July 20, requesting approval of the following on Contract No. WM93-004-S1A, with Commonwealth Research Group, for Economic Impact Analysis - Watershed Protection Plan -
(a) An increase in the upset limit by $39,395.00 to complete the original scope of work and follow-up work which increases Contract cost to $287,568.00.
(b) An extension of time from September 25, 1994 to June 30, 1995, to complete original scope and follow up work.
(Account No. 2420-1400 (H19)
The Commission V O T E D: Approved.

4. Report of Messrs. McGinn and Kane, May 31, recommending the following on Contract No. WM94-003-S1A, with Goodkind & O'Dea, Inc., for Remedial Study for Public Safety Considerations, Beaman Street Bridge -
(a) That work be accepted as completed as of April 22, 1994.
(b) That Estimate No. 1 (Final), in the amount of $4,950.00, be approved for payment.
(c) That reserve, in the amount of $550.00, be approved for payment.

(Basis of Award - $5,500.00)
(Total to Date - $5,500.00)
(Consultant Rating - 7.00 - with 10.00 being excellent)
(EEO Compliance - N/A)

The Commission V O T E D: that the work of Goodkind & O'Dea, Inc., Consultant under Contract No. WM94-003-S1A, be and hereby is accepted as completed as of April 22, 1994.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $4,950.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $550.00, for payment.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, August 5, requesting approval of an Open Order Contract for School Crossing Guards, in the amount of $250,000.00, as authorized pursuant to Chapter 60, Acts of 1994, Section 2, Line Item 2440-1202 and further to authorize Commissioner Bhatti to execute the individual Contracts on behalf of the Commission.
Account No. 2440-1202.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Bhatti to execute the individual Contracts on behalf of the Commission.

2. Report of Mr. Jewett, August 4, recommending approval and execution of an Amendment to Contract No. RP93-008-2, with Cullinan Engineering, for Parks Land Survey Services, which increases the upset limit from $28,500.00 to $28,800.00 so as to reimburse the Consultant for furnishing and installing ten bound stones.
Account No. 2441-9886.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated August 11, 1994, to Contract No. RP93-008-2, with Cullinan Engineering, which was signed by the Commissioner and three Associate Commissioners.

3. Report of Secretary Chisholm, August 11, requesting that the Commission rescind its vote of July 29, 1993, awarding the Concession at Carson Beach, South Boston to John Gillespie and Robert Flynn, due to their failure to execute the permit and open the Concession stand. Also requesting authorization to request proposals for operation of the Concession.
The Commission V O T E D: to rescind its vote of July 29, 1993, awarding the Concession at Carson Beach, South Boston to John Gillespie and Robert Flynn, due to their failure to execute the permit and open the Concession stand, as requested by Secretary Chisholm in his report of August 11, 1994.
The Commission further V O T E D: Authorization to request proposals for the operation of Concession at Carson Beach, South Boston.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Messrs. Gray and Hart, August 1, recommending the following on Contract No. RP94-0003-3, with Schofield Brothers of N. E., Inc., for Professional Land Surveying Services for the Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of July 29, 1994.
(b) That Invoice No. 1 (Final), in the amount of $9,072.59, be approved for payment.
(c) That retainage, in the amount of $1,008.06, be approved for payment.
(Basis of Award - $10,300.00)
(Amount to Date - $10,080.65)
(Contract Administration Rating - 8.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Schofield Brothers of N. E., Inc., Consultant under Contract No. RP94-0003-3, be and hereby is accepted as completed as of July 29, 1994.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $9,072.59, for payment.
The Commission further V O T E D: to approve release of retainage, in the amount of $1,008.06, for payment.

2. Report of Messrs. Gray and Hart, August 5, requesting the following on Contract No. RP94-0003-2, with Ainsworth Associates, Inc., for Professional Land Surveying Services for the Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of August 3, 1994.
(b) That Invoice No. 1 (Final), in the amount of $12,600.00, be approved for payment.
(c) That retainage, in the amount of $1,400.00, be approved for payment.
(Basis of Award - $14,092.00)
(Amount to Date - $14,000.00)
(Contract Administration Rating - 8.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Ainsworth Associates, Inc., Consultant under Contract No. RP94-0003-2, be and hereby is accepted as completed as of August 3, 1994.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $12,600.00, for payment.
The Commission further V O T E D: to approve release of retainage, in the amount of $1,400.00, for payment.

Adjourned at 11:05 a.m., to meet on Thursday, August 25, 1994, at 10:00 a.m.

William F. Crosby
Secretary

Record of the Three Thousand Six Hundred and Ninety Ninth (3699th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, August 25, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on July 28, 1994 were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement No. P80-0844-D3A, dated August 25, 1994, with Maguire Group, Inc., for Continuation of Design and Construction Services on Beaver Brook Flood Mitigation Project, Reach I.

2. Contract-Agreement No. P80-0844-D4A, dated August 25, 1994, with SEA Consultants,Inc., for Continuation and Completion of Design and Construction Services on Beaver Brook Flood Mitigation Project, Reaches II and III.

3. Contract No. P94-1738-M1A, dated August 25, 1994, with Harris Environmental Systems, for Maintenance of Refrigeration Systems Located in Ice Skating Rinks Within Metro Parks System.

4. Contract No. P94-1752-M1A, dated August 25, 1994, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems, Blue Hills, Old Colony, Middlesex Fells and Revere Beach Districts.

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher and Arinella, August 1, recommending the following on Contract No. P92-1648-M1A, with P. J. Kennedy & Sons, Inc., for Service, Maintain and Repair HVAC Systems, Locks, Draws and Dams -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 7 (Final), in the amount of $8,576.60, be approved for payment.
(c) That reserve, in the amount of $1,733.40, be approved for payment.
(Basis of Award - $61,536.00)
(Amount to Date - $65,436.00)
(Contract Administration Rating - 3.80)
(EEO Compliance - 1.00)
The Commission V O T E D: that the work of P. J. Kennedy & Sons, Inc., Contractor under Contract No. P92-1648-M1A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 7 (Final), in the amount of $8,576.60, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,733.40, for payment.

1. Report of Messrs. Faucher and McCalla, July 28, recommending the following on Contract No. P92-1643-M1A, with Coviello Electric and General Contracting, Inc., for Electrical Maintenance Work at Various Locations -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 24F (Final), in the amount of $14,435.81, be approved for payment.
(c) That reserve, in the amount of $5,027.76, be approved for payment.
(Basis of Award - $125,700.00)
(Amount to Date - $214,371.39)
(Contract Administration Rating - 4.17)
(EEO Compliance - 4.50)
The Commission V O T E D: that the work of Coviello Electric and General Contracting, Inc., Contractor under Contract No. P92-1643-M1A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 24 (Final), in the amount of $14,435.81, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,027.76, for payment.

2. Report of Messrs. Faucher and Lenhardt, August 3, recommending the following on Contract No. P93-1677-C2A, with M. L. Young Painters, Inc., for Bridge Painting to MDC Revere and Old Colony Districts -
(a) That work be accepted as completed as of August 19, 1993.
(b) That Estimate No. 5F (Final), in the amount of $5,932.95, be approved for payment.
(c) That reserve, in the amount of $349.76, be approved for payment.
(Basis of Award - $485,000.00)
(Amount to Date - $430,758.71)
(Contract Administration Rating - 4.50)
(EEO Compliance - 5.00)
The Commission V O T E D: that the work of M. L. Young Painters, Inc., Contractor under Contract No. P93-1677-C2A, be and hereby is accepted as completed as of August 19, 1993.
The Commission further V O T E D: to approve Estimate No. 5F (Final), in the amount of $5,932.95, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $349.76, for payment.

3. Report of Messrs. Faucher and Kirwin, July 28, recommending approval of the following revisions in quantities on Contract No. P92-1633-M1A, with Tri-State Signal, Inc., for Servicing Traffic Signal and Control Systems, Blue Hills and Old Colony Districts -
Item No. 016-010 - General Purpose Wire - **$ 3,475.00**
Item No. 018-010 - T. S. Loop Detector - **$11,470.00**
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 002-010 - Materials, Item No. 004-020 - Serviceman and Item No. 004-030 - Helper).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Kirwin in their report of July 28, 1994.

1. Report of Messrs. Faucher and Carrigan, August 4, recommending ratification of the action of the Deputy Director resulting in revisions in quantities on -
Item No. 022-010 **$30,000.00**
Traffic Control Services
Item No. 035-010 **$ 2,861.00**
Grading, Liming, Fertilizing and Seeding
on Contract No. P93-1683-C1A, with D & R General Contracting, Inc., for Resurfacing of MDC Parkways at Various Locations Throughout the Metropolitan District.
(Cost will be offset by unused quantities in Item Nos. 007-010, 008-010, 012-010, 028-010 and 039-010).
The Commission V O T E D: to ratify the action of the Deputy Director resulting in revisions in quantities on Item No. 022-010 and Item No. 035-010, as recommended by Messrs. Faucher and Carrigan in their report of August 4, 1994.

2. Report of Messrs. Faucher and McCalla, August 8, recommending the following on Contract No. P92-1644-M1A, with F. M. Emergency Generators, Inc., for Maintenance and Repair of Prime Power Generators and Emergency Generators -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 9 (Final), in the amount of $9,668.62, be approved for payment.
(c) That reserve, in the amount of $1,246.49, be approved for payment.
(Basis of Award - $49,000.00)
(Amount to Date - $49,425.21)
(Contract Administration Rating - 3.80)
(EEO Compliance - 4.25)
The Commission V O T E D: that the work of F. M. Emergency Generators, Inc., Contractor under Contract No. P92-1644-M1A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 9 (Final), in the amount of $9,668.62, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,246.49, for payment.

3. Report of Messrs. Baratta, Faucher and Jackson, August 18, on bids for Improvements to the Playground at Fort Independence, Castle Island, Contract No. P93-1668-C1A.
Account No. 2440-8889 - $ 44,000.00.
Account No. 2440-8885 - $300,000.00.
(Messrs. Baratta, Faucher and Jackson recommend acceptance of the lowest bid received, that of Ledgewood Construction Co., Inc., of $344,000.00).
The Commission V O T E D: to accept the lowest bid received, that of Ledgewood Construction Co., Inc., of $344,000.00.

4. Report of Messrs. Faucher and Sacco, August 4, recommending the following on Contract No. P93-1689-C1A, with Riteway Steel, Inc., for Massachusetts Avenue/Harvard Bridge Girder Repairs, Boston/Cambridge -
(a) That work be accepted as completed as on June 30, 1994.
(b) That Estimate No. 2F (Final), in the amount of $494.00, be approved for payment.

(c) That reserve, in the amount of $921.00, be approved for payment.
(Basis of Award - $19,900.00)
(Amount to Date - $18,420.00)
(Contract Administration Rating - 4.33)
(EEO Compliance - 3.25)

The Commission V O T E D: that the work of Riteway Steel, Inc., Contractor under Contract No. P93-1689-C1A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 2F (Final), in the amount of $494.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $921.00, for payment.

1. Report of Messrs. Faucher and Machado, August 19, recommending ratification of the action of the Division in directing the Contractor to undertake Extra Work Order No. 2 and Extra Work Order No. 3, in the amount of $25,290.82, for Repairs to Crash Attenuator & Abutment "D" Expansion Joint, on Contract No. P84-1276-C2B, with Sciaba Construction Corporation, for Neponset River Bridge Rehabilitation.
(Cost will be offset by unused quantities in Item 011-020-Furnish and Install Steel Cover Plates).
The Commission V O T E D: to ratify the action of the Division in directing the Contractor to undertake Extra Work Order No. 2 and Extra Work Order No. 3, in the amount of $25,290.82, for Repairs to Crash Attenuator & Abutment "D" Expansion Joint, on Contract No. P84-1276-C2B, with Sciaba Construction Corporation, for Neponset River Bridge Rehabilitation.

2. Report of Mr. Faucher and Ms. Pomorska, August 1, on bids for Reconstruction of Traffic Signal System - Two Locations, Gallivan Boulevard, Dorchester.
Account No. 2490-8910.
(Mr. Faucher and Ms. Pomorska recommend acceptance of the lowest bid received, that of Tri-State Signal, Inc., of $212,164.75).
The Commission V O T E D: to accept the lowest bid received, that of Tri-State Signal, Inc., of $212,164.75.

3. Report of Messrs. Faucher and Haider, July 18, recommending the following on Contract No. P92-1642-M2A, with Armor Elevator Co., Inc., for Maintenance of Elevators at the MDC Headquarters, Boston -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 11 (Final), in the amount of $2,610.60, be approved for payment.
(c) That reserve, in the amount of $549.60, be approved for payment.
(Basis of Award - $21,984.00)
(Amount to Date - $21,984.00)
(Contract Administration Rating - 3.00)
(EEO Compliance - 1.00)
The Commission V O T E D: that the work of Armor Elevator Co., Inc., Contractor under Contract No. P92-1642-M2A, be and hereby

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is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 11 (Final), in the amount of $2,610.60, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $549.60, for payment.

1. Report of Messrs. Baratta and Traficante, August 18, recommending the following on Contract No. P88-1511-X2A, with Dennison Environmental Services, Inc., for Asbestos Inspection and Monitoring at Various MDC Facilities -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Invoices No. 20322 and 21919, (Final), in the amount of $15,456.25, be approved for payment.
(Basis of Award - $95,000.00).
(Amount to Date - $110,372.75).
(Consultant Rating - 8.00 with 10.00 being excellent)
The Commission V O T E D: that the work of Dennison Environmental Services, Inc., Consultant under Contract No. P88-1511-X2A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Invoice Nos. 20322 and 21919 (Final), in the amount of $15,456.25, for payment.

2. Report of Messrs. Faucher and Carrigan, August 15, recommending the following on Contract No. P92-1651-C1A, with Bardon Trimount, Inc., for Resurfacing of Parkways at Various Locations Within the Metropolitan District -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 11A (Final), in the amount of $35,724.10, Non-Suffolk County and Estimate No. 12 (Final), in the amount of $94,829.62, Suffolk County, for a total of $130,553.72, be approved for payment.
(c) That reserve, in the amount of $5,774.69, Non-Suffolk County and reserve, in the amount of $19,825.58, Suffolk County, for a total amount of $25,600.27, be approved for payment.
Grand Total - $156,153.99
(Basis of Award - $1,416,457.50)
(Total to Date - $1,725,955.75)
(Contract Administration Rating - 3.50)
(EEO Compliance - 3.00)
The Commission V O T E D: that the work of Bardon Trimount, Inc., Contractor under Contract No. P92-1651-C1A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 11A (Final), in the amount of $35,724.10, Non-Suffolk County and Estimate No. 12 (Final), in the amount of $94,829.62, Suffolk County, for a total of $130,553.72, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,774.69, Non-Suffolk County and reserve, in the amount of $19,825.58, Suffolk County, for a total amount of $25,600.27, for payment.

1. Report of Messrs. Faucher and McCalla, August 17, recommending the following on Contract No. P92-1645-M1A, with Electronic Service Company of America D/B/A ESCOA, for Electric and Sound System Maintenance and Repair Work -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 24F (Final), in the amount of $10,386.76, be approved for payment.
(c) That reserve, in the amount of $4,460.38, be approved for payment.
(Basis of Award - $166,442.00)
(Amount to Date - $172,391.00)
(Contract Administration Rating - 4.17)
(EEO Compliance - Waived)
The Commission V O T E D: that the work of Electronic Service Company of America D/B/A ESCOA, Contractor under Contract No. P92-1645-M1A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 24F (Final), in the amount of $10,386.76, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $4,460.38, for payment.

2. Report of Mr. Baratta and Miss Pfetsch, August 17, recommending approval of an extension of time from August 31, 1994 to November 30, 1994 and execution of the Amendment, on Contract-Agreement No. P93-1679-S1A, with Adaptive Environments Center, for Evaluation of Metropolitan District Commission Facilities for Compliance with the Americans with Disabilities Act.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated August 25, 1994, to Contract-Agreement No. P93-1679-S1A, with Adaptive Environments Center, which was signed by the Commissioner and three Associate Commissioners.

3. Report of Messrs. Faucher and DiPietro, August 24, recommending the following on Contract No. P82-1032-D1E, with BETA Engineers, Inc., for Sewering of Blue Hills Police Station and Canton Avenue Sanitary -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Invoice No. 16 (Final), in the amount of $6,697.21, be approved for payment.
(c) That retainage, in the amount of $4,502.10, be approved for payment.
(Basis of Award - $38,803.00)
(Total to Date - $75,784.00)
(Contract Administration Rating - 9.00 - with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of BETA Engineers Inc., Consultant under Contract Number P82-1032-D1E, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Invoice No. 16 (Final), in the amount of $6,697.21, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $4,502.10, for payment.

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1. Report of Messrs. Faucher and DiPietro, August 12, recommending the following on Contract No. P82-1032-C1A, with Albanese Brothers, Inc., for Sewering of Blue Hills Police Station and Canton Avenue Sanitary, Canton/Milton -
(a) That work be accepted as completed as of June 28, 1994.
(b) That Estimate No. 8F (Final), in the amount of $26,031.78, be approved for payment.
(c) That reserve, in the amount of $34,506.20, be approved for payment.
(Basis of Award - $784,097.50)
(Amount to Date - $690,124.03)
(Contract Administration Rating - 3.33)
(EEO Compliance - 4.60)
The Commission V O T E D: that the work of Albanese Brothers, Inc., Contractor under Contract No. P82-1032-C1A, be and hereby is accepted as completed as of June 28, 1994.
The Commission further V O T E D: to approve Estimate No. 8F (Final), in the amount of $26,031.78, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $34,506.20, for payment.

2. Report of Messrs. Faucher and Abounaja, July 13, recommending the following on Contract No. P88-1548-C3A, with Dec-Tam Corporation, for Asbestos Abatement at Various MDC Facilities -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 21 (Final), in the amount of $10,005.74, be approved for payment.
(c) That reserve, in the amount of $12,841.43, be approved for payment.
(Basis of Award - $200,000.00)
(Amount to Date - $256,828.66)
(Contract Administration Rating - 4.70)
(EEO Compliance - 4.50)
The Commission V O T E D: that the work of Dec-Tam Corporation, Contractor under Contract No. P88-1548-C3A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 21 (Final), in the amount of $10,005.74, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $12,841.43, for payment.

3. Report of Messrs. Faucher and DeLuca, August 19, recommending the following on Contract No. P93-1670-M1A, with Allied Weatherproofing Co., Inc., for Service and Repairs to Swimming Pools and Service Buildings -
(a) That work be accepted as completed as of April 30, 1994.
(b) That Estimate No. 3F (Final), in the amount of $86,841.14, be approved for payment.
(c) That reserve, in the amount of $14,892.08, be approved for payment.
(Basis of Award - $348,155.00)
(Amount to Date - $297,842.13)
(Contract Administration Rating - 2.667)
(EEO Compliance - 2.00)

The Commission V O T E D: that the work of Allied Weatherproofing Co., Inc., Contractor under Contract No. P93-1670-M1A, be and hereby is accepted as completed as of April 30, 1994.
The Commission further V O T E D: to approve Estimate No. 3F (Final), in the amount of $86,841.14, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $14,892.08, for payment.

1. Report of Messrs. Faucher and Carrigan, August 15, recommending the following on Contract No. P93-1683-C1A, with D & R General Contracting, Inc., for Resurfacing of Parkways at Various Locations Throughout the Metropolitan District -
(a) That work be accepted as completed as of June 28, 1994.
(b) That Estimate No. 8 (Final), in the amount of $170,216.92, be approved for payment.
(c) That reserve, in the amount of $82,420.56, be approved for payment.
(Basis of Award - $1,590,956.00)
(Amount to Date - $1,648,411.19)
(Contract Administration Rating - 3.67)
(EEO Compliance - 2.80)
The Commission V O T E D: that the work of D & R General Contracting, Contractor under Contract No. P93-1683-C1A, be and hereby is accepted as completed as of June 28, 1994.
The Commission further V O T E D: to approve Estimate No. 8 (Final), in the amount of $170,216.92, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $82,420.56, for payment.

2. Report of Messrs. Faucher and Carrigan, August 15, recommending the following on Contract No. P93-1684-C1A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing Various Locations Throughout the Metropolitan District -
(a) That work be accepted as completed as of June 30, 1994.
(b) That Estimate No. 4 (Final), in the amount of $11,869.25, Non-Suffolk County and Estimate No. 7 (Final), in the amount of $6,984.61, Suffolk County, for a total of $18,853.86, be approved for payment.
(c) That reserve, in the amount of $11,448.50, Non-Suffolk County and reserve, in the amount of $29,329.61, Suffolk County for a total amount of $40,778.11, be approved for payment.
Grand Total - $59,631.97
(Basis of Award - $849,070.20)
(Total to Date - $815,562.26)
(Contract Administration Rating - 3.00)
(EEO Compliance - 2.60)
The Commission V O T E D: that the work of D & R General Contracting Inc., Contractor under Contract No. P93-1684-C1A, be and hereby is accepted as completed as of June 30, 1994.
The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $11,869.25, Non-Suffolk County and

Estimate No. 7 (Final), in the amount of $6,984.61, Suffolk County, for a total of $18,853.86, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $11,448.50, Non-Suffolk County and reserve, in the amount of $29,329.61, Suffolk County for a total amount of $40,778.11, for payment.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Mr. McGinn, August 22, submitting for approval and execution Quabbin Park Cemetery Deed No. Q-1704, conveying N.E. 1/4 of Lot No. 826, to Raymond P. and Joan R. Mochon.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1704, dated August 25, 1994, which was signed by the Commissioner and two Associate Commissioners.

2. Report of Mr. McGinn, August 23, submitting for approval and execution Quabbin Park Cemetery Deed No. Q-1705, conveying S.W. 1/4 of Lot No. 1447, to Nathan and Marilyn Howard.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1705, dated August 25, 1994, which was signed by the Commissioner and two Associate Commissioners.

3. Report of Messrs. McGinn and Vignaly, August 15, requesting that work be accepted as completed as of June 30, 1994, on Contract No. WM88-054-S1A, with Alpha Analytical Laboratories, Inc., for Mercury IIB - Laboratory Services.
(Basis of Award - $50,000.00)
(Total to Date - $26,721.00)
(Contract Administration Rating - 9.00 - with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Alpha Analytical Laboratories, Inc., Contractor under Contract No. WM88-054-S1A, be and hereby is accepted as completed as of June 30, 1994.

Action was taken upon the following matters relating to the Recreational Facilities and Programs Division:

4. Report of Miss Connolly, August 10, requesting approval of a Service Contract with Boston Saw & Knife Corp., for Sharpening Zamboni Knives and Thompson Ice Edger Blades - including pick-up and delivery.
Cost not-to-exceed $10,000.00.
Account No. 2440-0010.
The Commission V O T E D: Approved.

5. Report of Miss Connolly, August 24, submitting for approval 1994/1995 Ice Rink Schedule/Fees/Rental Charges/Regulations.
The Commission V O T E D: to approve the 1994/1995 Ice Rink Schedule/Fees/Rental Charges/Regulations, for Recreational Facilities in the Metropolitan Parks System, as follows:

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1. OPENING AND CLOSING DATES

Thursday, September 1, 1994 through the close of the business day on Saturday, March 11, 1995 for the following rinks which will be opened for hockey only.

Devine Rink, Morrissey Boulevard, Dorchester
Bajko Memorial Rink, Turtle Pond Parkway, Hyde Park
Simoni Memorial Rink, Gore Street, Cambridge
Cronin Memorial Rink, Revere Beach Parkway, Revere.

The following rinks will open on Sunday, October 2, 1994 and close on Saturday, March 11, 1995.

Bryan Memorial Rink, VFW Parkway, West Roxbury
Murphy Memorial Rink, Day Boulevard, South Boston
Reilly Memorial Rink, Cleveland Circle, Brighton
Connell Memorial Rink, Broad Street, Weymouth
Veterans Memorial Rink, Totten Pond Road, Waltham

The following rink will open on Saturday, October 8, 1994 through the close of business day on Saturday, March 11, 1995.

Porrazzo Memorial Rink, Constitution Beach, East Boston

The following rinks will open on Sunday, October 9, 1994 and through the close of business day on Saturday, March 11, 1995.

Steriti Memorial Rink, Commercial Street, Boston
Allied Veteran's Memorial Rink, Elm Street, Everett

The following rinks will open on Monday, October 10, 1994 through the close of business day on Saturday, March 11, 1995.

LoConte Memorial Rink, Veterans Memorial Parkway, Medford **
Emmons-Horrigan-O'Neil Rink, Rutherford Ave, Charlestown *
Veterans Memorial Rink, Somerville Ave, Somerville **

*Contingent on completion of roof
**Contingent on completion of dasher boards

NOVEMBER 13, 1994 OPENING DAY FOR PUBLIC SKATING AT ALL MDC RINKS, INCLUDING THE FOLLOWING, UNTIL THE CLOSE OF BUSINESS ON SATURDAY, MARCH 11, 1995.

Shea Memorial Rink, Willard Street, Quincy
Daly Memorial Rink, Nonantum Road, Brighton
Connery Memorial Rink, Shepard Street, Lynn
Ulin Memorial Rink, Unquity Road, Milton

***FLYNN MEMORIAL RINK, WOODLAND ROAD, MEDFORD WILL NOT OPEN FOR THE 1994/1995 SEASON.**

2. ADMISSION AND RENTAL FEES

A. Public Session:
$1.00 - Under 18 years of age at all sessions.
$ .50 - Senior citizens (65 years of age or older) at all sessions.
$3.00 - 18 years of age and over at all sessions.

B. Ice rental:
$110.00 per fifty (50) minutes ($2.20 per minute).

3. SPECIAL PRIVILEGES

A. Public, private and parochial schools in the Metropolitan Parks District shall be permitted to use the rinks free of charge from 9:00 a.m. to 12 noon on school days for recreational skating.

B. Adults accompanying children under ten (10) years of age are to be permitted to use the rinks free of charge on weekday morning and afternoon sessions.

4. HOLIDAY SCHEDULE

A. Rinks will be closed on the following holidays:

Thanksgiving.....All Day
Christmas Eve.....12 Noon
Christmas Day.....All Day
New Year's Eve.....12 Noon
New Year's Day.....All Day

B. Schedules at all rinks will be changed during the Christmas Holiday vacation period to accommodate public skating hours. The exact hours will be finalized and posted at each facility two (2) weeks prior to the holiday vacation period. The same will hold true for the February school vacation.

5. ICE RENTAL CANCELLATION NOTICE

The renter shall be charged for all ice time contracted or scheduled. No cancellations will be accepted. In the event that the same time period is not utilized two consecutive times, that time period may be rented to another group. However, the rental fee will not be charged if the time period is cancelled due to the fault of the MDC or if weather conditions are such that both the Rink Manager and Team agree that hazardous conditions exist.

6. PAYMENTS

All rental charges for ice time must be paid for a week in advance at the District Office. The only exception will be municipally funded organizations and secondary schools. Payment must be made by money order or certified check only.

Action was taken upon the following Various Matters:

1. Report of Mr. Brown, July 24, recommending that the Commission deliver to DEC-TAM Corporation, a strong reprimand for the methods employed in negotiating with Brooks & Company (Minority Business Enterprise), on Contract No. P88-1548-C3A, for Asbestos Abatement at Various MDC Facilities.

Mr. Brown reviewed the circumstances leading to the recommendation that the Commission deliver to DEC-TAM a strong reprimand for the methods they employed in negotiating the sub-contract agreement with Brooks and Company. He then stated that DEC-TAM exhibited disregard for the rules of fairness and also a failure to abide by the spirit of the Minority Business Enterprise Program.

The Commission reviewed and discussed the documentation submitted by Mr. Brown, Carol Batesen, Treasurer of DEC-TAM and Frederick L. Brooks of Brooks and Company.

Attorney Maury Lederman, representing DEC-TAM, appeared before the Commission and stated that his client disagreed with Mr. Brown's allegation that DEC-TAM did not abide by the spirit of the Minority Business Enterprise Program, while negotiating with Brooks and Company.

Attorney Lederman then pointed out that DEC-TAM had a unit price contract with the Commission whereby DEC-TAM would re-insulate pipes at a cost for each lineal foot as directed by the MDC. At the start of the contract, DEC-TAM, had no idea how many lineal feet would be needed to reinsualte, he stated.

Attorney Lederman then explained that Betty Lacharite, of DEC-TAM, in response to a request for documentation on the progress of compliance with the MBE goal, inadvertently sent to the MDC an incorrect contract document with a error indicating the sum to be paid to Brooks and Company, the MBE, to be $19,425.85. He noted that the correct sum should have been $7,000.00. On questioning by the Commission, Attorney Lederman stated, that the 10% minority participation on the project was not met because the work was negotiated down to $7,000.00.
At this point, Susan K. Brooks, representing Brooks and Company, spoke and asked that the project's retainage not be released due to the fact that DEC-TAM failed to comply with the special provision of the Contract concerning Minority/Women Contractors when DEC-TAM failed to sub-contract 10% of the Contract's value to MBE's.
Associate Commissioner Carr noted that DEC-TAM had performed the work and therefore the retainage must be released to DEC-TAM.
Following a lengthy discussion, and on motion of Associate Commissioner Carr, the Commission V O T E D: to direct Mr. Brown to incorporate his memo of July 24, 1994 titled: MDC Project No. P88-1548-C3A - Issues of Noncompliance with Special Provisions for Participation by Minority/Women Contractors and Allegations of Procurement Fraud, as a supplemental document to the EEO/AA Compliance Evaluation File of DEC-TAM. It was further requested that copies of the memo also be placed in the DEC-TAM files of the Engineering and Construction Division, the Contract Administration Office and the Secretary's Office, for future reference.
The Commission then V O T E D: to accept Mr. Brown's memo as part of the EEO/AA Evaluation report and place the matter on file.

1. Report of Miss Overton and Mr. Wright, August 22, requesting permission for the Commissioner to appoint, Pamela Heacock, Deputy General Counsel to the Governor and Special Assistant Attorney General, to sign settlement agreement (Consent Decree), on behalf of the Commission, regarding the PSC Resources Superfund Site in Palmer, MA and further authorize the Commissioner to expend an amount not-to-exceed $10,500.00, for the settlement.
Account No. 2490-0012.
The Commission V O T E D: to appoint Pamela Heacock, Deputy General Counsel to the Governor and Special Assistant Attorney General, to sign settlement agreement (Consent Decree), on behalf of the Commission, regarding the PSC Resources Superfund Site in Palmer, Massachusetts.
The Commission further V O T E D: to authorize the Commissioner to expend an amount not-to-exceed $10,500.00, for the settlement, as recommended by Ms. Overton and Mr. Wright in their report of August 22, 1994.

Action was taken upon the following matter relating to the Office of Real Property:

Report of Messrs. Gray and Hart, August 11, recommending the following on Contract No. RPP93-001-2, with Cullinan Engineering

Co., Inc., for Professional Land Surveying Services for Park Lands Acquisition Program -

(a) That work be accepted as completed as of September 15, 1993.

(b) That Invoice No. 4 (Final), in the amount of $270.00, be approved for payment.

(c) That retainage, in the amount of $2,880.00, be approved for payment.

(Basis of Award - $28,500.00)
(Amount to Date - $28,800.00)
(Consultant Rating - 8.50 - with 10.00 being excellent)

The Commission V O T E D: that the work of Cullinan Engineering Co., Inc., Consultant under Contract No. RPP93-001-2, be and hereby is accepted as completed as of September 15, 1993.

The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $270.00, for payment.

The Commission further V O T E D: to approve release of retainage, in the amount of $2,880.00, for payment.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from July 18, 1994 to July 25, 1994.

Expenditures $1,208,078.10

2. The following schedules were approved for payment by the Commissioner during the period from July 25, 1994 to August 1, 1994.

Expenditures $705,735.54

3. The following schedules were approved for payment by the Commissioner during the period from August 1, 1994 to August 8, 1994.

Expenditures $184,723.13

Adjourned at 12:45 p.m., to meet on Thursday, September 8, 1994, at 10:00 a.m.

William F. Rush
Secretary

Record of the Three Thousand Seven Hundredth (3700th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, September 8, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr and Elkort.

The Records of the Commission Meeting held on August 4, 1994 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and two Associate Commissioners:

1. Agreement, dated September 8, 1994, with the Town of Braintree regarding the Town Brook Flood Control Project - P82-0A02.

2. Contract No. P93-1668-C1A, dated September 8, 1994, with Ledgewood Construction Co., Inc., for Improvements to the Playground at Fort Independence, Castle Island.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Deluca, May 27, recommending ratification of the action taken by Deputy Director Faucher resulting in Extra Work Order No. 5, for repairs to 26 existing refill/supply inlet fittings, for the Brighton/Allston main pool, at a cost of $4,686.50, on Contract No. P93-1662-C1A, with Allied Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools & Service Buildings.
Account No. 2440-7893.
The Commission V O T E D: to ratify the action taken by Deputy Director Faucher resulting in Extra Work Order No. 5, in the amount of $4,686.50.

4. Report of Messrs. Faucher and DeLuca, August 30, recommending ratification of the action of Deputy Director Faucher resulting in Extra Work Order No. 6, for emergency site work to remove and replace portions of the existing cement concrete bottom of the Brighton/Allston Pool to provide access for the plumbing sub-contractor to replace defective main drain line, at a cost of $15,358.58, on Contract No. P93-1662-C1A, with Allied Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools & Service Buildings.
Account No. 2440-7893.
The Commission V O T E D: to ratify the action taken by Deputy Director Faucher resulting in Extra Work Order No. 6, in the amount of $15,358.58.

5. Report of Messrs. Wright and Faucher, August 31, recommending approval and execution of a Takeover and Completion Agreement with National Union Fire Insurance Company and Sciaba Construction Corporation, in accordance with staff recommendation, on Contract No. P84-1276-C2B, with Sciaba Construction Corporation, for Rehabilitation of the Neponset

River Bridge.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Takeover and Completion Agreement, dated September 8, 1994, with National Union Fire Insurance Company and Sciaba Construction Corporation, which was signed by the Commissioner and two Associate Commissioners.

1. Report of Messrs. Faucher and Carrigan, September 1, requesting an increase in the design upset limit by $149,900.00 - from $1,013,538.25 to $1,163,438.25 - on Contract No. P85-1341-D1D, with Andrew Christo Engineers, for Reconstruction/Rehabilitation of Lynn Shore Drive, Lynn Beach, King's Beach Rehabilitation.
Account No. 2490-8915.
The Commission V O T E D: Approved.

2. Report of Messrs. Baratta and DiPietro and Miss Clutchey, August 29, on bids for Installation of Air Quality Monitoring Systems - Ice Skating Rinks.
Account No. 2490-0016.
(Messrs. Baratta and DiPietro and Miss Clutchey recommend acceptance of the only bid received, that of Motorola Communications and Electronics, Inc., of $59,944.87).
The Commission V O T E D: to accept the only bid received, that of Motorola Communications and Electronics, Inc., of $59,944.87.

Action was taken upon the following Various Matter:

3. Report of the Concession Selection Committee, September 2, recommending award of certain ice skating rink concessions for the 1994-1995 season.
The Commission V O T E D: to award the following skating rink concessions for the 1994-1995 skating season.

LOCATION	CONCESSIONAIRE	PERMIT FEE
James F. Reilly Memorial Recreation Center Cleveland Circle	Allston Brighton Youth Hockey	$2,000 plus $65.00 per month for utilities.
Veterans Memorial Rink Somerville Avenue, Somerville	Somerville Youth Hockey	$501.00 plus $65.00 per month for utilities.
William P. Connery Sr. and Sons Memorial Rink Shepard Street, Lynn	Lynn Youth Hockey	$700.00 plus $65.00 per month for utilities.
Louis E. Porrazzo Rink Constitution Beach, Orient Heights, East Boston	East Boston Youth Hockey	$875.00 plus $65.00 per month for utilities.
Veterans Memorial Rink Totten Pond Road, Waltham	Waltham Youth Hockey	$900.00 plus $65.00 per month for utilities.

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LOCATION	CONCESSIONAIRE	PERMIT FEE
Anthony A. LoConte Skating Rink Medford	Medford Youth Hockey	$1,550.00 plus $65.00 per month for utilities.
Paul W. Cronin Skating Rink Revere	Revere Youth Hockey	$1,450.00 plus $65.00 per month for utilities.
William T. Shea Skating Rink Quincy	Marie & Rene Lumaghini	$1,294.00 plus $65.00 per month for utilities.
Francis L. Murphy Skating Rink South Boston	South Boston Youth Hockey	$1,100.00 plus $65.00 per month for utilities.
Allied Veteran's Memorial Rec. Center Everett	Everett Youth Hockey	$1,000.00 plus $65.00 per month for utilities.
Alexander S. Bajko Memorial Skating Rink Hyde Park	Hyde Park Youth Hockey	$900.00 plus $65.00 per month for utilities.
Robert M. Devine Skating Rink Dorchester	Dorchester Youth Hockey	$750.00 plus $65.00 per month for utilities.
Emmons-Horrigan-O'Neil Skating Rink Charlestown	Charlestown Youth Hockey	$400.00 plus $20.00 per month for utilities.
Rev. Romano Simoni Skating Rink Cambridge	Cambridge Youth Hockey	$300.00 plus $20.00 per month for utilities.
William A. Connell, Sr. Memorial Skating Rink Weymouth	Weymouth Youth Hockey	$1,100 plus $65.00 per month for utilities.
Max Ulin Memorial Skating Rink Milton	Milton Youth Hockey	$1,450.00 plus $65.00 per month for utilities.
Msgr. William J. Daly Skating Rink Newton-Brighton	K & R Foods	$3,500.00 plus $65.00 per month for utilities.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the

Commissioner during the period from August 8, 1994 to August 15, 1994.

Expenditures $521,989.44

Adjourned at 11:10 a.m., to meet on Thursday, September 15, 1994, at 10:00 a.m.

William F. Crushel
Secretary

Record of the Three Thousand Seven Hundred and First (3701st) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, September 15, 1994 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on August 11, 1994 were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract No. P94-1739-C1B, dated September 15, 1994, with P. J. Kennedy & Sons, Inc., for Installation of New Gas Lines and Boiler Systems at the North Central Garage Cluster, Stoneham and at the Nahant Central Garage and at Nahant the Installation of Garage Doors and Sealing other Garage Door Openings.

Action was taken upon the following matter relating to the Engineering and Construction:

2. Report of Messrs. Baratta, Faucher and Jackson, September 5, recommending approval of the action of Mr. Jackson resulting in the following Extra Work Orders, on Contract No. P93-1661-C1A, with I. W. Harding Construction Company, Inc., for Improvements to Father Francis A. Ryan Playground -

Extra Work Order No. 1	**$ 967.60**
furnishing and installing sod around spray pool	
Extra Work Order No. 2	**$2,678.57**
relocating a portion of fence and construction of sidewalk	
Total Cost -	**$3,646.17**

Account No. 2449-8755.
The Commission V O T E D: to approve the action of Mr. Jackson resulting in Extra Work Order No. 1, in the amount of $967.60 and Extra Work Order No. 2, in the amount of $2,678.57.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Mr. McGinn, August 25, recommending that work be accepted as completed as of June 30, 1994 on Contract No. WM94-011-X1C, with University of Massachusetts - Amherst/Grants, for Support Services for Orthophotoquad Map Development -
(Basis of Award - $22,567.00)
(Amount to Date - $21,805.57)
(Contract Administration Rating - 8.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of the University of Massachusetts - Amherst/Grants, under Contract No. WM94-011-X1C, be and hereby is accepted as completed as of June 30, 1994.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Messrs. Gray and Hart, September 2, recommending that work be accepted as completed on three of the four parcels, which were under consideration for acquisition, as of August 25, on Contract No. RPP93-001-01, with Aneptek Corporation, for Professional Land Surveying Services for the Park Lands Acquisition Program -
(Basis of Award - $9,200.00)
(Amount to Date - $6,900.00 - does not include Parcel 4)
(Contract Administration Rating - 4.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Aneptek Corporation, under Contract No. RPP93-001-01, be and hereby is accepted as completed as of August 25, 1994, on three of the four parcels, which were under consideration for acquisition.

Action was taken upon the following Various Matters:

2. Report of Mrs. O'Brien, September 9, submitting for approval and execution Amendment to Memorandum of Agreement with Massachusetts Bay Transportation Authority in connection with Construction of the Old Colony Railroad Bridge over the Neponset River, which calls for changes along the Quincy side of the railroad right of way.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated September 15, 1994, to Memorandum of Agreement with Massachusetts Bay Transportation Authority in connection with Construction of the Old Colony Railroad Bridge over the Neponset River, which was signed by the Commissioner and three Associate Commissioners.

3. Report of the Planning Office, September 14, relative to a request of the MBTA to use a quarter of a mile segment of Memorial Drive from the Boston University Bridge to Amesbury Street for the new Cross-Town Bus Service.
At this point, John Haley, General Manager of the Massachusetts Bay Transportation Authority (MBTA) addressed the Commission and spoke of the cooperation extended to his Agency by the MDC over the years.
He then spoke of the need to use a quarter of a mile stretch of Memorial Drive, Cambridge, between the Boston University Bridge and Amesbury Street, for a proposed Cross-Town Bus Service.
Mr. Haley then noted that the high growth, in the areas of Kendall Square, MIT, the Back Bay, the Longwood and South End Medical Centers areas have created a great demand for travel in these locations. Therefore, the MBTA must implement a new "Cross-Town Service". A benefit of the new service, if permitted by the MDC, will be a reduction in the number of cars travelling in the area. In addition, air pollution caused by the cars will greatly reduced.

He then pointed out that the MBTA is addressing long and short term solutions to the Cross-Town demand.
The long term solution may involve the construction of a new light rail line, he noted. However, he explained, this is more than 10 years away. Until such time a short term solution must be addressed, he stated.
Mr. Haley then spoke of the benefits of the Cross-Town route including - direct routes resulting in a reduction in travel time; a limited number of bus stops and a higher number of passenger conveniences resulting in diverting new bus riders from automobile travel.
Commissioner Bhatti expressed his concerns regarding use of Memorial Drive by the busses and noted that he was pleased to learn that the MBTA is looking into other routes for the Cross-Town route.
Associate Commissioner Carr noted that the MBTA pointed out in their briefing papers presented to the Commission that Albany Street, Cambridge, would not be reconstructed until 1995 and therefore, it would be difficult for the busses to use this roadway as an alternate route. He then noted that this morning, he received a letter from O. Robert Simha, Director of Planning for the Massachusetts Institute of Technology (MIT), stating that Albany Street had been reconstructed by the City of Cambridge earlier than expected and therefore MIT would prefer the Albany Street route rather than the Memorial Drive stretch for service to the campus.
Mr. Haley then noted that the use of Albany Street would create safety hazards and also result in longer travel time, possibly an additional 7 to 10 minutes for each trip.
Following a lengthy discussion, and question and answer period, the Commission requested that all interested parties - including the MDC, Cambridge City officials, MIT and the MBTA meet and on a continuous basis examine and analyze the route and consider alternatives to the Memorial Drive. The Commission requested an update, in the form of a status report within sixty days upon granting of a temporary three month permit.
John Krajovic, MDC Charles River Basin Planner, stated that the MDC Planning Office did not sanction the long-term use of Memorial Drive as a bus route. He cited safety, legal and aesthetic concerns. Mr. Krajovic also noted that MDC staff had advised the MBTA to select a preferred Cross-Town bus route other than Memorial Drive.
The Commission then V O T E D: to grant the MBTA a three month temporary permit to use a one quarter mile segment of Memorial Drive, between Boston University Bridge and Amesbury Street, for the Cross-Town Bus Service. During this time the Planning Office, Engineering and Construction Division and appropriate staff, will meet with officials of the MBTA, City of Cambridge and MIT, and prepare a report in which alternate routes are investigated and recommendations are presented to the Commission within sixty days, for action prior to the expiration of the temporary permit.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from August 15, 1994 to August 22, 1994.

Expenditures $741,136.78

Adjourned at 11:40 a.m., to meet on Thursday, September 22, 1994, at 10:00 a.m.

William F. Arsenault
Secretary